

# EDUCATION BILL

## COMMITTEE STAGE IN HOUSE OF LORDS EXTRACTS FROM THE DEBATE

(2, 7, 9, 14 and 22 May 2002)

**2 May 2002 : Column 859**

**Lord Peston** moved Amendment No. 19:

Page 2, line 33, at end insert—

"( ) No order made in this Chapter shall enable the Secretary of State (in relation to England) or the National Assembly of Wales (in relation to Wales) to introduce where it does not already occur, or extend or permit the extension of, selection by aptitude, social class, or religious affiliation in any schools in receipt of public funds."

The noble Lord said: I am getting tired, even if no one else is, so I hope that we can deal with this amendment reasonably quickly. Amendment No. 18 related to my hope that it would not be possible to extend selection by ability under the Bill. This amendment relates to what forms of selection would be permissible under the Bill. It raises our old friend, the debate on whether aptitude is different from ability. I beg the Committee not to continue that debate this evening. I shall be happy to come back to it when I am feeling stronger, but I can do without that kind of linguistics at the moment. Would the Bill enable the introduction of forms of selection other than by ability? The amendment also anticipates one of the tough areas that I shall get involved with—the question of selection by religious affiliation. I want to debate that, although not in detail under this heading. Would the Bill enable that to be extended? As I promised right at the beginning of today's proceedings, I am viewing this as a straight question to the Minister and to other noble Lords. What forms of selection might be permitted under the rubric of this Bill? I have one further comment in anticipation of a later debate. I agree that we need to debate age and what happens in different age groups. However, I do not want to do that in this debate, and I hope that other noble Lords also accept that we should postpone debating the issue of 14, 16 and so on until we reach later, relevant amendments. I beg to move.

**7 p.m.**

**The Lord Bishop of Blackburn:** I have listened very carefully to this fascinating debate. I am sorry to disappoint the noble Lord, Lord Peston, but I suspect that he anticipated that someone from these Benches

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might intervene at this point. I simply tell him that, in visiting hundreds of schools and talking to thousands of head teachers, teachers and parents, I have never come across a school yet that admitted social class as one of the grounds on which it admitted pupils. I also agree that this is not the moment to debate these issues. I should simply like to make

a couple of points on the issue of religious affiliation.

I am aware that Amendment No. 19 is only a probing amendment. However, if it were accepted, I believe that it would be a limitation on the freedom of schools and local communities to develop the character of schools and to respond to the needs of the local community. Over the years, time and again, through me and other spokesmen, the Church of England has put on public record its commitment to working in partnership with LEAs, parents and the local community. Consequently, any development of the Church's provision must have local support and agreement. There is a slight danger that, if Amendment No. 19 were accepted, that would be prevented. We believe that a requirement such as that proposed in the amendment in respect of religious affiliation would undermine local decision-making and schools' ability to develop as they see fit in the development of their own life and their own educational standards.

Some would say that the amendment could represent an intolerant attitude, although I do not believe that the noble Lord, Lord Peston, intended it in that way. Others have told me that they believe it is rather undemocratic. It would certainly enshrine the discrepancy in the ability to exercise parental preference in Church of England high school education in this country. However, this is not the moment to have a major debate on that subject. That will come later, and I look forward to it with more passionate interest than I can say. I simply want to say that we are concerned about the limitation that the amendment, if passed in this form, could put on the freedom of schools and communities to develop.

**Lord Roberts of Conwy:** I think that the noble Lord, Lord Peston, would readily admit that, in both Amendment No. 18 and Amendment No. 19, we are fighting over old battlegrounds. Perhaps we should forget those old battlegrounds and certainly not regard them as inhibiting any future development. My own feeling, for what it is worth, is that selection by ability is a matter for a teacher, whereas selection by aptitude is probably more a matter for the pupil himself or herself.

My own experience, ancient as it is now, includes being educated at two comprehensive schools, including, during the war, one of the first comprehensives in Anglesey. I still remember being paralysed by the 11-plus exam, so much so that I could barely write my name on the paper. Even so, I had to pass the exam to get into that old county school, which was formerly a grammar school and was fast developing into a comprehensive school. Even in those early days, there was streaming—an A stream, a B stream and so on—in that school. Then, I had to pass

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exams—both a scholarship exam and the common entrance—to enter another comprehensive school, namely Harrow. Harrow ultimately was a comprehensive school in the sense that there was a tremendous amount of streaming of pupils with particular aptitudes.

Although, as I say, we should forget the old battlegrounds represented by phrases such as selection by ability and selection by aptitude, such phrases should not inhibit those currently involved in education who may be thinking of innovative ideas.

**Lord Dearing:** I am sorry that we are not going to have the debate about the Beckhams, the Jagers and the Isambard Kingdom Brunels. How do we best respond to the needs of children and young children? It is quite an important issue. If we cannot afford to provide excellence in all our schools for all these different aptitudes, there is an argument for

saying—as the Government are doing—let us have some schools that are particularly well equipped in, for example, sport, engineering, languages or information technology, and reserve a modest proportion of those places for the young Beckhams and the young Jagers.

I do not think that that is antagonistic to the comprehensive principle. It seems to be saying, as sensibly as one can, "We have limited resources and cannot provide the best in all subjects in all our schools. So let us go for good standards everywhere, but, across the city as a whole, provide centres of excellence in particular areas". However, we shall hear more of that.

Although we shall have the debate on faith schools on another day, I should like to make a couple of points now. Amendment No. 19 would, as I read it, fossilise the position. However, society is not static. A small city or big town, for example, might have a complete reorganisation of its schools. Following consultation with parents and others, it may decide, as I know one city has, to close a church school. Another aspect of the reorganisation, however, may be to expand another school and provide places that are distinctively for children from faith homes. Amendment No. 19 would stop that desirable reorganisation of provision in such places.

I should also hope that we are a tolerant society in which we are willing to respond to the wishes of parents and local communities. Specifically, however, and as an advocate of church schools in particular circumstances, I would not want these powers to be used to circumvent the procedures which exist to ensure that we are truly meeting the needs and wishes of society. I would not want the Secretary of State to say, "No, we shall ignore the school's organisation committee, the process by which all proposals must go forward and be considered, and an objective of reaching unanimity". I would not want the Secretary of State to short-circuit that. I would therefore be with the noble Lord, Lord Peston, in not wanting to see these powers used to circumvent existing procedures.

**Lord Rix:** Is the noble Lord, Lord Peston, satisfied that the wording of Amendment No. 19 does not

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provide yet another excuse for excluding pupils with special educational needs with a particular aptitude for a particular subject?

**Lord Brennan:** I intervene only briefly, first to declare an interest that I did not expect to declare: I am the president of the Catholic Union of Great Britain. In speaking to a previous amendment, the noble Lord, Lord Pilkington, remarked on the historical absurdity suggesting that Catholics are always wrong. For my brethren in the faith generally and for my fellow Peers of this faith, I reassure him and the House that we contribute matters that do not show that that absurdity is an absurdity.

Secondly, and much more importantly, I speak because the question of faith schools is of particular importance, as the noble Lord, Lord Dearing, just indicated. I admire the spirit in which the noble Lord, Lord Peston, moved the amendment. His enthusiasm is remarkable. I hope that my noble friend the Minister will match that enthusiasm with the measure of care and discretion with which she clarifies the Government's position about safeguarding faith schools. Just as the phrase of the noble Lord, Lord Pilkington, was an absurdity, it is equally an absurdity to suggest that a faith school is not capable of innovation in education.

**Baroness Blatch:** I support the points made by the noble Lord, Lord Brennan. It is a pity that we are not having a longer debate on some of these issues. I fully expect the Minister to support strongly the existence of faith schools and even the encouragement of more. I admire the tenacity and the good humour with which the noble Lord, Lord Peston, always enters into these debates. I have enjoyed engaging in debate with the noble Lord over a number of years. We entered this House on the same List and therefore we are approaching the same anniversary. The Minister gave the noble Lord reasonable assurances on the previous amendment. However, I hope and believe that that will not be the case as regards the amendment that we are at present discussing.

It is right that children of families of a particular faith should be allowed to be selected for schools that support that faith. There is now a growth in the number of ecumenical schools. In Cambridge a Catholic and an Anglican school have been established and are working well. I hope that that process will be encouraged.

I believe that specialist schools have worked well. The Government accepted them and have expanded their number. They have a policy aim to continue to expand that number. I believe that a later amendment will seek to expand the number of subjects that are offered. I refer to arts, music, sport, science and technology and languages. A moment ago I reminisced about various young people who had received a specialist education before we had state specialist schools. As a councillor in Cambridgeshire I helped a talented young violinist when my colleagues on the local authority said that his needs could be met in any of the local schools in Cambridgeshire. There was no

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doubt that many of those schools had strong music departments. Cambridgeshire prides itself on its good schools. However, the young boy went to Cheetham's school and was successful. The right decision was taken in that case. I am delighted that he went to that school. He enjoyed the specialist education which he received there.

Languages, technology and science have progressed a great deal through innovation—the Clause 2 issue—in our city technology colleges which gave birth to the specialist colleges which I support. There is a strong argument for allowing selection on grounds of academic ability but certainly on grounds of faith and aptitude for specialist subjects. I do not think that I know of a school that selects on the basis of social class. I hope that such a school does not exist. I would not support that as the only criterion for selection.

Certainly, we all know areas of the country where groups of people can afford to move to a particular area where schools have a good reputation. However, that is not a case of schools selecting pupils on the basis of social class but of parents being able to afford to move to an area with a school that has a good reputation. Let us make no mistake: if selection is denied, people will find ways to get their children in the best schools.

However, that applies only to those who can afford to take certain action. Governments of any political persuasion should do what they can to support the children of families who cannot afford to move to an area with schools that would provide an education to meet the abilities and aptitudes of their children.

**Baroness Walmsley:** As we shall debate faith schools later I do not intend to address them at the moment. However, I wish to comment on the remarks of the noble Lord, Lord Peston, on selection by aptitude, even if we all understand what that means.

When the Bill was debated in another place my honourable friend the Member for

Harrogate and Knaresborough encouraged the Government not only to allow all schools to be specialist schools but also to take away the right to select 10 per cent of students by aptitude partly because of the difficulty of knowing what that means but also because this is an area where the Government have already innovated and tried something out which has turned out to be rather unpopular. We know that only 6 per cent of existing specialist schools use the right to select by aptitude. That right has proved itself to be unwanted and unworkable and I therefore agree with the noble Lord, Lord Peston, that we should not extend it.

**7.15 p.m.**

**Baroness Ashton of Upholland:** This is another debate which I sense heralds other debates to come. I shall try to address my remarks to the amendment in order to keep my powder dry for later. Again, we are considering how best to respond to the needs of all children. That is something which unites this Chamber and is something which makes me proud to be a Member of it.

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In addressing the amendment let me begin again by saying that the purpose of this power is to respond to proposals which will raise standards. If a proposal comes forward that would not raise standards, it could not be approved.

As noble Lords will know, the admission arrangements for maintained schools are determined locally following a statutory consultation process. Admission authorities for schools must ensure that those arrangements comply with legislation and have regard to my department's code of practice on school admissions. Statutory parties to the consultation may object to the independent schools adjudicator if they are unhappy with any aspect of a school's determined admission arrangements. I cannot envisage a way in which a change to those arrangements could be argued to improve educational standards of children.

The amendment refers to three types of selection—by aptitude, by social class and by religious affiliation. We legislated in the School Standards and Framework Act 1998 to rule out any new selection by academic ability except for "fair banding" and sixth forms. I have set out the position on aptitude several times. I shall respect the tiredness of the noble Lord, Lord Peston, at this point in the day, but no doubt we shall return to the matter. I can be clear that we would not use the power to change that position. We are clear that any selection on the basis of social class is unacceptable and the code of practice on school admissions makes it clear that admissions authorities for schools should not set admissions criteria which have the effect of disadvantaging certain social groups in the local community. For example, we would not expect to see criteria that give priority for admission on the basis of a parent's occupation or income. I assure the Committee that any request to the Secretary of State for an order which would disadvantage a particular social class would have no chance of success.

As the Committee will be aware, many schools of a religious character give priority for admission to adherents of a particular faith or denomination. The right reverend Prelate the Bishop of Blackburn mentioned that. That criterion forms part of a school's published admission arrangements and as such must be consulted on, as I described earlier, and may be the subject of objection to the schools adjudicator. As I said earlier, we could not

envisage a use of the power to innovate to bypass that process.

In conclusion, I do not believe that the noble Lord's amendment is necessary to achieve the protections he seeks. I hope that, given my assurances, he will agree to withdraw it.

**Lord Peston:** I thank my noble friend for that reply. I wish to make a few brief remarks. I say to the right reverend Prelate the Bishop of Blackburn that as regards social class and selection we have what we might call the "Mandy Rice-Davies" phenomenon here as regards asking any head about social class; namely, "He would, wouldn't he?" However, anyone

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who knows anything about the research into school admissions knows that a social class element definitely plays a role in some schools.

I accept what the noble Lord, Lord Roberts, said; namely, that I am fighting on all battlegrounds, but not as regards every subject. When we discuss the reform of the curriculum and 14-16 education, even I shall reveal some new thoughts. The Committee will have to wait for that.

I turn to selection, particularly by aptitude, which was discussed by the noble Lord, Lord Lucas. Let us assume that we continue with selection by aptitude, which has been legitimised. That would mean that all of our good footballers were in very few schools, likewise all our good artists and good musicians. We should ask ourselves—we are using our imagination—"Is that the kind of education system that we should like to have?". My view is that we should simply answer "No". I should like all children to attend schools in which some pupils are really rather good at art. In my school, some were but, unfortunately, I was not one of them. The notion that they—or the good footballers or good musicians—would not even be in such a school is the reason I oppose selection by aptitude.

As the Minister is well aware, I am opposed to all that development on the part of the Government. In fact, it is worse than that; I regard that approach as a gimmick, and I believe that it will gradually die. Let us use our imagination and consider what would happen if we went down the path of selection by aptitude: we should end up with an educational system that, broadly, we should find very unattractive.

We shall debate religious schools in due course, but I have a similar view in that regard. If the children of really committed religious people were all concentrated in just a few of our schools, I should regard that as a disaster for our country, let alone for education. That is why I am very concerned about the fact that, overwhelmingly, most children should be in our straightforward, ordinary schools. When we debate religious schools, our debate will not be about religion but about "inclusivity" and where we should like our children to be educated.

That is where I am coming from. I thank the Minister for her answer and other noble Lords for taking part in this debate. This is certainly a theme to which we shall return. I beg leave to withdraw the amendment.

Amendment, by leave, withdrawn.

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**Lord Peston** moved Amendment No. 35:

Page 4, line 33, at end insert—



"( ) No regulations with regard to exemption from any curriculum provision should enable material to be introduced which is extraneous to any subject, as normally understood."

The noble Lord said: In speaking to Amendments Nos. 35 and 36, I feel obliged to apologise to the Committee. I regard the two amendments as absolutely fundamental to the Bill and to our system of education. I regard it as absolutely absurd that we are debating such amendments at 10.15 p.m. The sooner we abandon the arcane procedures of your Lordships' House and adopt the suggestions which my noble and learned friend the Leader of the House will put forward to us soon, so that on a Thursday we will stop at seven o'clock and on any other day we will stop at ten o'clock, the better. This House will become more efficient and will be able to deal with matters of this kind in a much more appropriate way.

Back-Benchers on this side of the House have no power in that regard. We must debate amendments when they arise and therefore I see no way in which I can avoid raising such matters. Furthermore, I regret to say that I can see no way of doing it briefly. So unless my noble friend who is the Whip on the Front Bench would care to move that we adjourn, I shall now proceed. I do not believe that he is going to adjourn the Committee.

Both of the amendments take us into the area of religious schools. They also take us into the area of the curriculum and they take us to fundamental questions which need answers. I have not yet heard those answers. What is the precise contribution that religious schools make to education—I shall concentrate on education rather than religion—that causes us to have them at all, to wish to expand their number and, if I may put it this way, to wish to extend them to additional religions? That is one question.

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The second question, which is not unrelated to the first, is: what is the connection between what I would call the religious ethos of a school and the national curriculum? I assume we would agree that, in some cases, there is no connection. Young people are taught that the square root of two is an irrational number and I cannot see how postulating one or other religion or deity could throw any light on that question. Thus if we are discussing the serious mathematics being taught in school, then the problem does not arise. I assume that it would also not arise in theoretical physics and, in so far as my own subject is taught in schools, that it could not possibly arise in the teaching of economics. However, the question is: where can it arise? At this point I would add: if it cannot arise anywhere, why do religious schools exist anyway? Those are the kinds of questions that are before us and on which we must reflect.

I turn now to the question of where religious ethos might arise. The obvious subject to start with is history. Before I move on to religion, I shall cite another example. Any noble Lord who has seen an American school history textbook will know that the account of the American Revolution or the War of Independence in that textbook will bear no resemblance to what I was taught at school. Anyone reading such a book would wonder at what an extraordinarily biased view of history the Americans are being taught. A fortiori, if one reads the chapter on the battle of Waterloo in a French history textbook, you have to be incredibly clever to discover that they lost and we won. Indeed, if you miss the last sentence, then you will not discover it at all.

I am perfectly well aware that in the subject of history then—what is the right

word?—bias or point of view will have an impact. We should have no difficulty with that. Therefore, if I were in a Catholic school, it would not surprise me if the way in which the Reformation is taught had certain nuances which would be a little different from those I would encounter if I were in a Protestant school or if I were not in a religious school at all. Again, I should say that that does not remotely trouble me. What would trouble me would be if there were no such nuances. That is not what I am about. Perhaps I may turn to areas where, again, I would not expect there to be any difference. In English literature, if the school play was "The Merchant of Venice", I would hope that the play would be dealt with in the same way in a Jewish school, in a Muslim school, in a Protestant school and in a school that was not religious at all. Equally, given his views on religion, if Shelley's poetry was being discussed in English literature classes, I would hope that no religious school would make any attempt to undermine the beauty of that poet's work by saying, "Well, it can't be very good because of his views". Again, I hope that that would not happen.

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Then I have to ask, if such things would not happen, then where does the religious impact come from? That takes me on to what started me on the subject in the debate on Second Reading; namely, the fact that there appear to be people who not only believe in what is called Creationism, but who actually think that it would be appropriate to introduce it into schools in the relevant subject, biology. I did not know that such people still existed in our country. I found that impossible to believe. I know that there are some flat earthers around; but when I inquired as to whether there were some flat earthers in our schools, I was not able to find a single case of anyone teaching physics on a flat earth basis.

The question I come to is this. For anyone who knows anything about biology—unfortunately, too few do—matters such as evolution and natural selection are not only a part of biology but permeate the whole of it. If a teacher were to include in the curriculum matters of a creationist kind, that would be immensely damaging. More to the point, who is there to protect the children against such an event? In the Emmanuel school case, Ofsted was not there to protect anyone. Indeed, Ofsted did not seem to notice it and gave the relevant school a good assessment.

A similar question arises in one of the most fascinating topics in the history of science—that is, the age of the universe. An attempt was made to show on the basis of the Old Testament that the earth was 4,040 years old. Indeed, an attempt was made to date the exact day and time that the world was created. It shows the incredible ingenuity of the human mind that one can do that kind of work. I find it marvellous.

Occasionally I come across people who, in the face of the fact that the world is billions of years old and, on the basis of all that we know about physics—the world will come to an end unless all the theories of entropies, thermodynamics and so on are wrong—say, "There is no problem here. The whole of the previous history was invented at the same time as the world was created 4,040 years ago and somehow there will be a new creation in several million years' time".

But those are substantive questions. My concern is to ask what goes on in these schools and what it is that they do. The schools that I know about do not behave in such a way. No school that I have come across so far—except for the Emmanuel school case—would dream of allowing such matters into the sciences, the arts and so on.



My worry is twofold. First, can I believe that that will be the case in the future, especially with the great expansion of what appears to be acceptable or called a religion? Secondly, will not existing schools, if the danger arises, also feel that they can safely go in that direction? I have no difficulty with people who have faith which is separate from science—it is a classic problem in philosophy—but I am always puzzled by the fact that for a lot of people who have faith, faith does not seem to be enough. The history of theology and philosophy shows that, ultimately, believers want more. They are not content to say, "I have faith in the existence of a deity", or, "I have faith in that".

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Throughout history, there has been an urgent desire to prove things as well. For the great thinkers, such as Thomas Aquinas, faith was not good enough; he needed a proof. I would argue that a proof is always impossible and you have to accept things as a matter of faith. But these are side issues. The main issue is that the Government have said three things. First, they have said that they rather like religious schools; secondly, they have said that they would like to have more religious schools; and, thirdly, they have said that we have got to include more religions in the group that can have religious schools.

The reason I raise these matters, at twenty-five past ten at night, is to ask the simple question: how do we protect the national curriculum? How do we protect the great scientific traditions of our country and the great humanities traditions of our country from the encroachment of those who may not respect them and who would allow religious matters—which have their place—to cross over into these areas?

I repeat my point that I am not happy that I am raising these matters in an empty Chamber at a late hour. But, as this is when the amendments have come before the Committee, I have no choice. I have raised the matter, and I am interested to hear the response of one or two other Members of the Committee whom I hope I have persuaded to take part in the debate. I beg to move.

**The Lord Bishop of Blackburn:** I suspect that Members of the Committee expect me to make some contribution—although I must say that I had not interpreted the words of the amendment in the light in which the noble Lord, Lord Peston, referred to it. I had intended to speak of behalf of my former profession, RE teacher and specialist, and not on the generality of faith schools or on the Emmanuel school, which is no part of the Church of England's family of schools. I believe that the date the noble Lord was seeking is 4004 BC, which I believe Archbishop Ussher came up with in the 17th or 18th century. I shall deal merely with the amendment and not with the larger questions raised. I do not believe it is appropriate to deal with those at this time of night, and I wholeheartedly support the noble Lord's comments about our procedures. No curriculum is value free when it is taught. When I was an RE specialist, I was always extremely worried about what the English masters were putting across by way of interpretation and values in regard to religious matters and the faith of others. That happens across the board. The amendment as worded places a strict delimitation on religious education. I am sure that the noble Lord would agree that it is probably too vague to be practical in the real world of schools. For example, would it prohibit the teaching of the poetry of George Herbert or John Milton within the English

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curriculum, since an element of religious education is necessary to understand those

authors' works? Would it place a similar—

**Lord Peston:** The answer to that sort of question is simply no. It would not prohibit such teaching.

**The Lord Bishop of Blackburn:** As worded, it could do so. One would be dealing with matters that are properly part of the RE curriculum in order to get the youngsters to understand the poetry. Again, it would almost rule out the teaching of the history of the Tudors because of the religious matters involved. One might ask how we deal with the Middle East today. As the amendment is worded, it gives rise to a series of issues that would lead to confusion and great difficulty.

I am trying to get my mind round this. I know that the amendment refers to the curriculum, which is published and agreed, and in the case of RE, through the SACRE, is carefully agreed by a series of groups of committees which come together to form that body. So it is probably more a matter of public participation in the creation of the curriculum in the generality of the community schools. As I understand it, the noble Lord is using the amendment as a peg for the general teaching that goes on.

It is said that hard cases make bad law. I wonder whether, by singling out the Emmanuel school in Gateshead, we are drifting into an area where, as the noble Lord admitted, we can think of no examples of schools in the maintained sector, or even within the generality of the independent sector, where these kinds of difficulties between science and religion occur. We need to be reminded that many scientists are people of faith and indeed practise their faiths across the great world religion. That is fact.

I hope that having raised this matter the noble Lord will wait until there is a greater engagement in the course of the Bill on the whole issue of faith schools and what they do or do not do.

As drafted, the amendment is unworkable and would do a great disservice to RE teachers and to others who deal with matters that raise ethical, moral, spiritual and religious issues in the general curriculum. On those grounds, I hope that the noble Lord will withdraw the amendment.

**10.30 p.m.**

**Baroness Blatch:** I am puzzled by what appears to be almost an obsession on the part of the noble Lord, Lord Peston, about faith schools and his apparent fear of any extension of their numbers. He has made no secret of his disappointment in the present policy of welcoming and encouraging faith schools. The noble Lord is right that the amendment requires a great deal of debate, but, like the right reverend Prelate, I cannot get my mind round what he finds fundamentally disagreeable about the existence of faith schools. We shall deal later with the issue of whether we should have faith schools, so I shall leave my comments on

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that, but the noble Lord seems disturbed by the notion of faith schools and would apparently like them out of the system altogether.

The amendment would be almost impossible for teachers to comply with—not just RE teachers, but teachers generally. The impact of religion on art, culture, the lives of people and even on science, scientists and the ethics of science—I know that there is the whole Emmanuel issue to discuss—is so great that they are inextricably linked. That is why we

have moved from religious instruction to religious education. This is all about religious education, not religious instruction. I am not offended by faith schools—in fact, I positively welcome them. We have always been very tolerant about these things in this country. We have a tradition of people who hold a strong faith but who positively prefer to go to a secular school, but we also have a tradition of people who hold a strong faith—or sometimes not such a strong faith—and who prefer the ethos of a school that supports a particular religion. I do not find that offensive. I find it all part of the rich pattern of education.

Like the right reverend Prelate, I find the amendments unworkable in an educational sense. They would do a disservice to teachers, but worse than that, it would be asking the impossible of teachers to accept what I believe is behind the amendments.

**Baroness Walmsley:** I am a biologist and my subject is most affected by the issue that the noble Lord, Lord Peston, has raised. Like him, I abhor the teaching of creationism in a state-funded school, mainly because it is so far beyond what any credible scientist would accept as to be incompatible with providing a broadly based education based on the real facts and possibly preparing our children for a career in science.

However, just as the noble Lord has difficulty understanding what is meant in other parts of the Bill, I have difficulty understanding what he means by "extraneous". I am afraid that I feel that Amendment No. 35 is unworkable.

On Amendment No. 36, society today has to deal with many ethical issues. As a biology teacher, I have always felt the responsibility to try to prepare children to make those decisions when they become adults.

I feel that there is a need to prepare children to make moral decisions, not based on a particular faith, on biological matters. I therefore feel that it is not inappropriate to introduce those types of issues into the teaching of science in our schools, particularly given that there are so many issues which citizens who take the responsibility to take part in politics feel they must take upon themselves. We have to prepare our children for that. Therefore, on this occasion, I am afraid that I am not able to support the noble Lord, Lord Peston, in his amendment.

**Lord Dearing:** I had guessed that the issue of Emmanuel might come up. Not knowing anything in particular about Emmanuel, I thought that I would find out what was going on so that it might inform the

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House. I have not a lot of expert knowledge. However, if creationism is defined, as I believe it often is, as a belief that,

"Earth History can be clearly dated to show that the world is younger than 10,000 years and . . . that the universe was made in six days, each made up of 24 hours",

then, according to Emmanuel,

"The truth is that our Science Department teaches neither".

Furthermore,

"Within the assumption that 'creationism' is defined",

as I have defined it,

"such 'creationism' is not and has never been taught within Emmanuel College".

I am told that the teachers,

"within the College's Science Department ... hold a wide variety of views regarding these issues, ranging from atheistic evolution giving rise to life from nothing to the concept which sees everything as having been created by an Intelligent Designer God from nothing",

and innumerable views in between.

I made inquiries about the children who go to Emmanuel school. They correspond almost exactly with the normal ability range. In science, 87 per cent of them received A to C markings in GCSE, way above the national average. It is a faith school which is not a Church of England school. Being a technology college, it does not have a duty to teach the national curriculum, yet it does so in science. So perhaps there is more to be said about Emmanuel than is commonly thought. I was told that the matter is being pursued by Her Majesty's Inspectors and the Commons Science and Technology Committee. Perhaps we will see what they make of it.

I was puzzled by Amendments Nos. 35 and 36. If people are to be given greater freedom in the curriculum, new material will come in. I could not see precisely what the noble Lord, Lord Peston, had in mind in being so concerned about new material, unless it was specifically religious material. I do not think that it is part of the Government's thinking deliberately to make space for more religious teaching. However, RE is one of the subjects in the national curriculum examined at GCSE. Very many schools do the RE short course, which is the legitimate curriculum subject. It may be that, if there were more space in the curriculum, some schools would choose to do the full RE GCSE.

Religion is part of the reality of the world. We cannot wish it away. It is there around all of us. It is central to very many people's lives. It influences the way we live and what happens in our streets and our homes. We cannot say, "You must pretend there is not such a thing".

So I turn to the point made by the right reverend Prelate the Bishop of Blackburn. If one is teaching history after 1530 right through the Stuarts and even beyond, one cannot make sense of it without addressing the religious controversies of the day. People burned at the stake for them. Kingdoms were at risk for them. In human geography, one cannot avoid looking at the religious composition of the world. As the right reverend Prelate said, the point arises in

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teaching English literature. We would have to give kids some help to understand, for example, Manley Hopkins' poetry, which is so complex that his friend the Poet Laureate, Robert Bridges, could not understand it.

Religion is so much concerned with the way to live and about moral and ethical issues. They pervade art and literature. You cannot say that because religion considers those moral and ethical issues we cannot discuss moral and ethical issues in the context of other subjects. While I understand that within his framework of reference the noble Lord is concerned about freeing up the curriculum and providing opportunities as regards extraneous religious material, I do not think that that is part of anyone's thinking. If his thinking is that it is wrong in understanding life to take into account the religious dimension, he is not giving people a full education.

**Lord Lucas:** Although I come from the same side of the street as the noble Lord, Lord Peston, in being one of the irreligious, I do not think that he is going in the right direction with these amendments. I do not know of a serious faith which does not involve believing something that looks from my point of view totally ridiculous. It seems to be a characteristic of all faiths. Although creationism is particularly banana-brained in that it implies a God who has lied in every living thing and in the air, water and rocks beneath

us and only told the truth in a book—which I find a pretty strange God—I do not think that this is something we should worry about too much. If it affected the way the curriculum was taught and the way a school was being properly conducted, it would be the kind of thing which Ofsted ought to pick up. If Ofsted thinks that something is going wrong in that regard, that ought to be taken seriously. However, I believe that we are well enough guarded by Ofsted which may have missed this point once but has now been put on guard against these things. It is a matter it will have to watch if we expand the range of religions which have schools and it is something we shall have to watch generally. However, I think that that is sufficient.

In particular, I do not think that we should go down the roads proposed by the amendments. I am enormously in favour of broadening out curriculum subjects, of merging them or doing things in different ways and not teaching in little compartments which so restrict us and do not allow the discussion of history in the context of science or science in the context of history, as if the two were separate things at such a basic level as GCSE. I should like to see much fuzzier boundaries between subjects, if one could find a way of introducing them and teaching effectively. If you have a religious school—there are many religious people who want religious schools and I have no objection at all to them having them—everything in that school will be permeated by the religion concerned. I cannot think of a single subject which would not be touched by a religion, even one that is as familiar to me as Catholicism. Certainly, what is true for that surely must be true for most religions. I do not

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think that you can separate out religious feeling from other subjects. You can do so possibly as regards mathematics but not as regards any other subject.

I do not think that the noble Lord can claim that economics is safe from religion. I regard Marxism as a religion and that has exerted plenty of influence on economics. I do not think that we should seek to draw these boundaries or seek to exclude religion or philosophy from application to any subject where they have a bearing.

**Lord Roberts of Conwy:** Would my noble friend care to comment on the fact that the individual pupil will also bring something to the teaching that he receives? It is very possible, say, with history, to take a purely religious line almost throughout. Similarly, the pupil can bring his own ethics, morals and home background to bear through his religion on all the other subjects that we have talked about.

**10.45 p.m.**

**Lord Lucas:** I entirely agree. Most of us develop a healthy scepticism for the philosophic element of what we are taught in school and we accumulate our own philosophies from a variety of sources. I have left behind many of the things that my teachers would have liked to inculcate into me, and I imagine that many other Members of the Committee have done so, too.

This is a serious subject but I do not believe that the amendments are the right way to approach it. I hope that we shall later return to the question of the way in which religion in schools should relate to the state. To say that religion should not be part of the curriculum or permeate all subjects is to misunderstand what we are as human beings, which is essentially philosophic beings who bring our beliefs into every aspect of what

we do and study.

**Baroness Sharp of Guildford:** I am beginning to feel rather sorry for the noble Lord, Lord Peston, but I am not going to provide him with any succour by saying that I agree with him.

The amendments are unworkable and I fundamentally do not agree with their approach. I could not understand Amendment No. 35 when I read it; I just put two exclamation marks beside it and waited to see what he said. Perhaps we should try following the logic of his proposal. The theories of Keynes would have been regarded as heresy and would never have been taught because they would have been regarded as being extraneous to the economics curriculum by many economists in the 1930s. The teachings of many people at any moment in time—Galileo and Darwin are two examples—were regarded as being totally heretical to the mainstream school of thought at that time. Knowledge progresses, as we know perfectly well, by debating such matters.

I have no sympathy with the proposal. Amendment No. 35 is totally illiberal. On Amendment No. 36, I agree with all those who said that our whole culture is infiltrated to a very great degree. One cannot put these matters into little boxes. As my noble friend Lady

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Walmsley said, in teaching biology one has to approach and discuss various points of ethics. That is true of many other areas. I am sorry but I simply do not agree with the amendments.

**Lord Davies of Oldham:** It is my misfortune this evening to have been involved, first, with a small technical series of amendments, in relation to which I ran into untold trouble, and now with the most fundamental debate that could ever take place in the House on education. I have arrived equipped with a contribution that would last for an hour and a half but, in deference to the lateness of the hour, to which my noble friend has drawn attention, I will truncate it to three or four minutes.

I was unable to respond to my noble friend's earlier plea that his debate should be arranged for a more convenient time because, first, an arrangement had been arrived at through the usual channels before he stood up. I am the last person, as I am sure he will agree, to break agreements between the usual channels.

Secondly, my noble friend will recall that it was Hegel who said that the owl of Minerva takes flight at night. If we are going to have a philosophical and religious debate, we should have it quite late in the evening. Unfortunately, we cannot go beyond 11 p.m. so we shall have a rather more truncated debate than he might like.

A third factor, to which Members of the Committee have referred, is involved; that is, that this debate is taking place within the framework of this piece of legislation and has been raised through amendments to the legislation. I am afraid that my noble friend is bound by the rules of the game. As and when those amendments come up, that is when they will be debated.

It is also the case that, although many of us would like to indulge in substantial debate on the depth of these issues, on which he made a most eloquent plea, we are concerned with what the amendments would do to the Bill. I am bound therefore to restrict my remarks somewhat to the technicalities in that regard. However, I do so gladly and against the background that there have been outstanding contributions from all Members of the



Committee who have spoken in this debate. I know that the noble Lord is in a minority but he put his case with the greatest eloquence. That is why he provoked everyone to respond to him. I have strained to match his eloquence and believe that in every case I have succeeded in doing so and have answered many of the issues that he raised.

I was grateful to the noble Lord, Lord Dearing, for defining the Emmanuel position. I have substantial information on that, but the noble Lord indicated that the college teaches science in a manner and to a level which is acceptable to Ofsted, to inspectors and to the examination board which examines the students. Therefore, I believe that he can rest assured on that point.

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With regard to the more general issue of how prescriptive we could be about particular subjects, I believe that everyone who has spoken in the debate—in particular, the right reverend Prelate—has identified how difficult that matter is. There is no doubt about it; it is not only a question that certain themes embrace more than one academic subject but that we are only too happy to see certain academic subjects broadened out and taken in conjunction with other issues. To take the most obvious example, citizenship has recently been introduced into the curriculum. We should certainly never be able to discuss citizenship unless we did so in the context of religion as well; otherwise, how would we spread the concept of understanding other faiths and reach the degree of tolerance that we should like to see developed in our society, which is a crucial part of citizenship?

Likewise, as Members on all sides of the Committee have indicated, there are a number of ways in which subjects interlink and inform each other so as to produce genuine education and enlightenment for students. Therefore, in those terms, I believe that we have had a most useful theoretical debate. My only comment to my noble friend is that he is a skilled parliamentarian. He knows that there are other ways in which these issues can be debated at great length, even in the afternoon. It is for him to employ that strategy if he so wishes.

However, this evening we are discussing his amendments. In addition to the reservations that have been expressed about the amendments on all sides of the Chamber, perhaps I may make the most obvious point. If the amendments were carried, we should be placing on schools which had received earned autonomy a restriction greater than that placed on all other schools. I am sure that my noble friend does not intend that. I believe that he is seeking to air the issue, and he does so within this framework. But the logic of the amendment would be that schools which reached the position of earned autonomy would find themselves at a level of restriction which they would not be under if they had not earned that autonomy. Surely that would be a great contradiction in terms.

I recognise the value of my noble friend's contribution this evening. I believe that we have all enjoyed the debate. I know that I am being dreadfully short in this all-too-truncated reply, but perhaps I may assure him that I have used one-eighth of the notes that I have available. There may be another occasion on which he can explore these matters, and I am sure that he will take full advantage of that. However, this evening I hope that he will withdraw the amendment.

**Lord Peston:** I thank my noble friend for his reply. Obviously I am losing my talent as a teacher. I believed that I was debating the subject of religious schools; I was not debating religion. If noble Lords want to hear me on the subject of religion, they will really hear

something.

I must also say, very acerbically, that I have heard some nonsense in my time, but some of the ideas that I have heard this evening beat everything—for example,

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the notion that religion permeates economics. I hope that if my good friend the noble Baroness, Lady Sharp, were asked, "If the supply curve is upward-sloping and the demand curve shifts to the right", she would not say that that was an ethical question, or at least I hope that she would not expect to receive any marks for that. I hope that she would not say that it was a religious question, but simply answer, "As price goes up, quantity goes up".

**Baroness Sharp of Guildford:** I say to the noble Lord that I do not believe that I said that religion permeates economics in any sense.

**Lord Lucas:** Not so much religion, but philosophy should. I believe that one of the great faults with mainstream economics has been how little it takes account of how we act as people and of feelings and emotions.

**Lord Peston:** There really is a limit to how much teaching I can do this evening. I can only say that that reply scores nought out of 10 on any analysis of the subject. I did learn from the noble Baroness, Lady Walmsley. I would be absolutely horrified if biology is taught not as a science, but as including an ethical element. I have no difficulty with ethics in teaching, but if I am teaching biology or its equivalent, I teach biology. I would certainly say that there are ethical dimensions related to it. As regards economics, I have no difficulty about it, but not when I am teaching the subject, which is the point.

**Baroness Walmsley:** I believe that the noble Lord has picked up my meaning exactly, which was to make sure that students knew the context of the discussions within society as a whole in which they were learning certain facts, which then would enable them to make decisions.

**Lord Peston:** I agree with that entirely. I do not want to prolong this discussion. My noble friend will be well aware of the tricks that I shall be up to at Report stage to make sure that I get a full debate at the proper time. I am simply asking the question that if we have religious schools, what do they do which is so special? Does religion work through the curriculum and work

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to its detriment? If religion does not work through the curriculum, I do not know what religious schools do. That is my point. I shall return to that in due course.

I say to the noble Lord, Lord Dearing, that I should have thought that religion comes into an enormous number of subjects. I cannot imagine how one can teach history without talking about religion because it is part of the subject. Earlier I enthusiastically said that we must have an acquaintance with the Bible if only because without it one cannot understand English literature at all. But that is not remotely what my amendment concerns. I am trying to deal with religious schools and what it is that everyone is so keen on. I am also uttering a word of warning. I believe that moving along these paths will be bad for our country.

I ask my noble friend that if "the usual channels" do deals, could they possibly let the rest of us know what they are? It might well help us in how to proceed. I beg leave to withdraw the amendment.

**Baroness Blatch:** Before the noble Lord sits down, would he not give some credit for the fact that formal education in this country was introduced by the Churches? It was they who brought young people together to be educated and formal education grew out of that provision.

**Lord Peston:** That is not quite right. The Churches played an enormously important role in educating the poor. I said at Second Reading that no one could ever be other than supportive of the great contribution the Church of England made to education, particularly to the education of the poor. But there have always been educational establishments that were not religious. I would not remotely want to undermine the role of the Church. But I again emphasise that I do not see what that has to do with policy making today. I hope that we shall have a good chance to return to that. I am still trying to withdraw the amendment.

Amendment, by leave, withdrawn.

[Amendments Nos. 36 to 38 not moved.]

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**Baroness Blatch:** . . . In paragraph 3.2 [of a "policy paper"] the Government say that they are investigating the use of joint venture companies to assist with these problems. Initially they expect to form a joint venture company with the Church of England, the National Society for Education and possibly with Partnerships UK. My first point is that the Government do not have a locus in all those organisations. What, in any event, is there to stop the Church of England, the National Society for Education and even Partnerships UK from forming a consortium? So far as I know, in law there is nothing to prevent that. Why do they necessarily have to form a company under Clauses 10, 11 and 12? It seems to me that they are independent of the state system and therefore should be able to operate in their own right.

I understand that a similar company is likely to be set up with the Catholic Education Service and that possibly another will be set up for all voluntary aided schools. Again, I do not argue against that. The point that I made earlier to the right reverend Prelate is that I believe those schools need more collaborative working in order to exploit for their own benefit both PFI and other possible commercial ventures.

Paragraph 3.4 states:

"Schools would be able to take advantage of the powers in Clauses 10 and 11 of the Bill to participate in a company and LEAs have powers in the Local Government Act 2000 to do the same. The Secretary of State might decide to join one or more of these [other] companies, by agreement with the other parties involved".

As I said, I consider that it would be a recipe for disaster if the Secretary of State, the LEA and one or more schools were involved in a consortium as a company under company law. They would face the possibility of shares growing or failing, of profits rising or falling, and the possibility of succeeding or failing. Culpability would perhaps lie with the schools and the companies, and liability would lie with the LEAs.

I am not concerned about the principles underlying these clauses; I am concerned about the detail. Thus far, we have not had a satisfactory answer to the questions raised in relation to the detail.

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**Lord McIntosh of Haringey:** I shall deal first with Amendment No. 87. The amendment seeks to provide enabling powers for the Secretary of State to make regulations which could require companies in which the Secretary of State is investing—that is, under Clause 12—to comply with the same requirements as companies formed by governing bodies under powers conferred by Clause 10. I hope that I have that right.

Under the amendment, any company in which the Secretary of State invested would have to prohibit membership for non-prescribed persons, meet restrictions as to its constitution and other matters connected with the company's affairs, and obtain permission to borrow money from a prescribed person. One of the main objects of the clause is to provide more efficient and less expensive means of procurement and management of facilities for and services to schools and LEAs. The amendment would slow down those processes and increase costs to government.

... Experience has shown that schools—particularly small schools and those in the voluntary-aided sector—often have difficulty in obtaining access to advice and services through conventional means, other than by incurring considerable costs. A single school might incur costs of several hundred thousand pounds for legal, financial and technical advice which may not be of the quality it would expect. Therefore, we are taking these measures to develop, in the first instance, the use of joint venture companies which will provide advice, procurement and contract management services to individual schools, local education authorities or representative bodies of voluntary-aided schools, such as faith groups.

To some extent, we have already talked about the experience of the discussions between the department and representatives of the National Society (Church of England) for Promoting Religious Education. They are working through the processes to establish the first of these companies, which will be able to take place when the Act has been passed. They will develop a partnership that will enable the national society, the Government and, more importantly, schools to minimise the time and cost involved in delivering large-scale capital projects. The first project for the new company will be to secure the necessary funding to ensure that as many of the 20 or so Church of England primary schools chosen for this project are refurbished or replaced to enable them to continue this

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Government's drive to raise standards and to provide an improved learning and working environment for pupils and teachers.

The Church of England project will be only the first use of the clause and we shall use the experience of this project to inform future developments in handling and financing major capital projects for local education authorities, establishing a consultative user group within the Church of England project that brings together representatives from a wide range of partners such as LEAs, the Local Government Association, local diocesan officers and other faith groups. In that way we shall seek to take the views of those most affected by these ways of working. The projects will have to demonstrate value for money and will have to be approved by the project review group, which is chaired by the Office of Government Commerce before any contracts for PFI projects can be signed. Indeed, as this will be a commercial venture we expect to see any profits ploughed back into

enhanced services for those schools making use of the joint venture company.

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**9 May 2002 : Column 1302**

**Lord Peston:** I want to ask my noble friend two questions. . . . [pupil governors]  
My other question relates to religious schools. Much as I am opposed to religious schools in all forms, I understand that, if we are to have such bodies, the religious sponsors should have a dominant role. It would make no sense otherwise. Subject to my general attitude to such schools, I was glad to hear my noble friend's reply. However, bells started ringing none the less. Can I have an assurance that, in all other schools, none of the interested parties will have a guaranteed majority or be allowed to consider having such a majority? That frightens the life out of me with regard to some of the new forms of school in which the Government have taken an interest. Can I assume that everybody else will be in a definite minority on governing bodies?

**Baroness Ashton of Upholland:** I thought that I had addressed the point about pupil governors. . . .  
The noble Lord is right about the other schools. The position is exactly as he described it.

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**Baroness Blatch:** I rise to speak to Amendments Nos. 113 and 114, which are included within this

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group. I have reservations about the federations. The Minister has not yet given us examples of things that schools can do together under one governing body without the whole panoply of these clauses and rafts of regulations necessarily being imposed on them. . . .

The notion of federations, as incorporated within these clauses, is that schools would come together for everything that they do. A single governing body would manage all the schools within the federation. There would be no limit on the number or type of schools. I believe that we should think very carefully about whether that would work.

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I know that the noble Baroness will probably say, "But this is not an imposition. These are permissive clauses. Schools can opt, if they wish, to become federated. They will not be compelled to do so". I accept that, but I worry about the detail. As always, the devil will be in the detail, and we shall not see the detail until these dreaded sets of regulations, governing how the whole system will work, are produced.

Amendment No. 113 seeks to deal with a concern that I have at the back of my mind about the use of federation as a mechanism for doing other things. Coming together collaboratively is one thing, but it is possible that, as it pools its sovereignty, if I may use that word, a school will also lose some of its distinctive character.

Therefore, the amendment states that the action of becoming a part of a federation should not be used to change the nature or character of a school. I cite, for example, religious schools, single sex schools, co-educational schools and the legal status of a school—that is, foundation, voluntary-aided, community or academy. Having read the clauses in the Bill, I am not sure whether under a federation a school would be an academy, a nursery school, a Church of England voluntary-aided school or a Catholic voluntary-controlled school. Would it continue to enjoy that status and would that status be in any way

compromised by the act of becoming part of the federation?

. . .

**The Lord Bishop of Blackburn:** . . . I believe that the idea of federation is to be welcomed because, in some senses, it is visionary. In some circumstances it may serve to meet the concerns that some people have about faith schools and the separation which they believe such schools should have. I do not have those concerns but some people have them. However, that will only come about if each school is allowed to make its contribution in terms of variety and diversity of approach.

For us, perhaps the most important concerns would be twofold: the constitution of the governing body of such a federation, the number of governors to be appointed by the foundation or the Church and the powers that they would exercise; and the safeguards in the appointment of a head of a particular ethos of a Church of England school within the federation. I know that the Roman Catholic Church shares those views and does not believe that the Bill as drafted is sufficiently robust in providing the protection as would be the contribution we want to make.

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In a federation of three schools, for example, one of which is a Church or other religious voluntary-aided school, the Church or other religion should be able to appoint sufficient governors to the federating governing body to allow for the preservation of the religious character of the school concerned. I turn to the key aspects of the ethos of the school.

"Ethos" is not a word I like. I spent a good deal of my time interviewing head teachers yesteryear. When asking, "What is distinctive about a Church school", one would always receive the lovely answer, "It's the ethos, Cannon Chesters". Then one would go on, as I know the noble Lord, Lord Peston, would, to say, "Would you please tell me what that ethos is and what it means?" It includes such aspects as the practice of collective worship and the syllabus for religious education. Those should be matters for the Church-appointed foundation governors and not, perhaps, for the whole governing body. They are to do with the distinctive contribution of a particular school or schools. Likewise, the governors in question should have the responsibility of engaging in the appointment of a head and other members of the leadership team.

Further, if the federation has one head and one leadership team for several schools, some of which are voluntary-aided schools, Church schools or other faith schools, there will need to be legislation about how that head is appointed and how that leadership team is constituted so as to preserve the contribution—the religious character, or whatever it is—of such schools in the federation and vice versa. We do not want to see those federations as a takeover. That works both ways. Given the popularity of voluntary-aided schools at present, we could well see a federation going that way. I have nothing to fear. I am not paranoiac about this, nor are these Benches. However, we believe that if we are to have federation, each school should contribute. As a Church, we have a fair amount of experience of federating parishes within various groupings and schemes, which has proved beneficial both in urban and rural areas.

My amendment seeks to require the consent of the appropriate diocesan authorities before such a federation can go ahead. The schools to which I refer in my amendment are part of a family of schools. They do not exist on their own and, in the case of the Roman Catholic schools, belong to the diocese or to the bishop. I am not entirely sure about the



ecclesiology of the Roman Catholic Church, but I believe that that is right. In our case, we want to work within a family and to co-operate and collaborate together. The noble Baroness, Lady Blatch, is right; we do not want a maverick group of governors to sell the birthright that others have gained by getting rid of what the foundation stands for. I do not believe that the federation is about that.

**9 May 2002 : Column 1337**

**Baroness Ashton of Upholland:** . . . Amendment No. 116 would mean that any Church of England, Church of Wales or Roman Catholic school could join a federation only with, "the written consent of the appropriate diocesan authority".

The amendment would have the unfair effect of applying a two-tier system for considering federations involving any maintained school with a religious character, as the religious leaders of minority faith schools would not enjoy a similar veto. It should be remembered that there are a range of other stakeholders, including parents and staff, who are just as important. I am sure that the Committee would agree that we must be fair in allowing each stakeholder to have an equal voice in the decision to federate. . . .

I turn to Amendment No. 113. As I said, our purpose is to enable schools to collaborate strategically and through that to improve educational standards for their children. It is in no way a proposal to reduce the diversity of schooling provision available in any one area. Indeed, we have taken steps to ensure that schools within a federation should be treated as separate schools for most purposes—other than governance, of course. That means that no school will be able to change its religious character, admission arrangements, category or from single-sex to co-educational simply through the act of joining or being a member of a federation. I agree with the noble Baroness, Lady Blatch, that it is important to state that in the Bill, as we have indeed done in subsection 3(b).

In relation to the character and structure of a school, the requirements set out in Chapter 2 of Parts 2 and 3 of the School Standards and Framework Act 1998 will continue to apply to all schools within or joining a federation. Let me explain what safeguards that provides. Section 33(2) of the 1998 Act prohibits a change in the religious character of any school. That will continue to apply, regardless of whether a school joins or is already in a federation.

In practical terms, I reassure the Committee that any proposal to change a school's religious character could, as now, be realised only by publishing proposals to close one school and open another. If a federated school wants to change its category or change from single-sex to co-educational, it will be required to publish a statutory proposal under Sections 35 and 28, respectively, of the School Standards and Framework Act 1998.

Federation cannot be used to bypass that statutory process.

Clause 23(3)(b) also states clearly that schools which have federated may not be treated as single schools for admission purposes. There will continue to be separate admission arrangements for every school within the federation.

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**9 May 2002 : Column 1354**

**Baroness Blatch** moved Amendment No. 113:

Page 14, line 19, at end insert—

"(1A) Nothing in this Chapter shall provide for the character of a school to be changed as a result of federation.

(1B) In subsection (1A) "character" shall be defined as including admissions arrangements; religious character; single sex or co-educational policy; or the status of a school as a foundation, voluntary aided or community school or academy." . . .

**Baroness Ashton of Upholland:** . . . .If it would be helpful to the noble Baroness, I am happy to write to her setting out our thoughts on the matter. An exit strategy will be laid out so that schools are clear that they can leave a federation but providing some flexibility for them to be sure that it fits their circumstances

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**The Lord Bishop of Blackburn:** I want to speak to Amendment No. 136 which stands in my name and that of the noble Lord, Lord Alton of Liverpool. I am sorry to introduce a slightly technical, but important, amendment at this late hour. It deals with foundation, voluntary-aided and voluntary-controlled schools. In a voluntary-aided school where the foundation governors are in a majority, the Church-appointed governors are in a position to control the use of the premises outside school hours.

The main point of the amendment is that the foundation governors are, of course, in a minority in foundation and voluntary-controlled schools. Therefore, special safeguards are needed. I believe such safeguards have been enshrined in education law since the 1944 Act. I seem to remember that if one disposes of a voluntary-controlled school which has been closed, three-fourteenths of the proceeds go to the local parish because of the use that it makes of it for Sunday school and other purposes. The purpose of the amendment is to continue that practice so that the foundation governors may have the use of the school for the purpose of a Sunday school or, if it is next to the church, to prevent noisy alternative use during divine worship on a Sunday.

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This amendment will require regulations to provide that the foundation governors of a controlled school can control the use of the school premises on Sundays and that in a school with a trust deed the use of the premises must not be inconsistent with the provisions of the trust deed. With those brief remarks I have put the thrust of the amendment. I hope that on this occasion the Minister will be sympathetic.

**Baroness Blatch:** In my rather amateur way, Amendment No. 137 tries to achieve the same ends as that of the right reverend Prelate. I am not territorial about the amendment, but it is important to safeguard the rights of trustees where school premises are held in trust for a voluntary-aided or a foundation school.

The two lines of Clause 30 state:

"Regulations may make provision relating to the control by the governing body of a maintained school of the occupation and use of school premises".

There is no caveat there at all. If Clause 30 is to remain part of the Bill, it needs to be qualified in some way. Therefore, depending on what the Minister says in response, I would be prepared to give way to the amendment tabled by the right reverend Prelate, because I believe it would achieve the same end as Amendment No. 136.

. . .

**Baroness Ashton of Upholland:** I shall begin by speaking to Amendment No. 135. I can confirm that we have no intention whatever of altering any existing local education

authority rights regarding the occupation or control of school premises. I am pleased to be able to give a clear commitment that provision in both those areas will remain as currently defined in Schedule 13 to the School Standards and Framework Act 1998. This means that there will be no reduction in the control of the occupation and use of premises by

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either the education authority or individual governing bodies from that which they are currently permitted to exercise, as set out in Schedule 13.

The reason for moving these provisions into regulations is that, as they currently exist, there are five pages of schedules containing many provisions, which, frankly, are too detailed. Building on what the noble Baroness, Lady Blatch, said, we are trying to simplify this and reproduce the important aspects within regulations. That is the motivation behind our move in this direction.

I turn to Amendment No. 136. I can reassure the right reverend Prelate that existing rights in relation to foundation and voluntary schools regarding the control and use of land will also be preserved in regulations. This means that the current provision in paragraph 7(2) of Schedule 13 to the 1998 Act, which allows for foundation governors of a voluntary controlled school to determine the use to which school premises are put on Sundays, will be maintained in the regulations that we intend to develop.

All rights of ownership, control and use of land will remain with exactly the same parties—be it the local education authority, governing body or trustees—where such rights currently rest. The rights of trustees under trust deeds currently provided for in paragraph 5(4) of Schedule 13 will be preserved.

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**Lord Lucas** moved Amendment No. 159:

After Clause 38, insert the following new clause—

"RELIGIOUS GUIDANCE

(1) The School Standards and Framework Act 1998 (c. 31) is amended as follows.

(2) In section 91 (special arrangements to preserve religious character of foundation or voluntary aided school) after subsection (1) insert—

"(1A) Before proposing any special arrangements, and at intervals of no more than five years where such special arrangements are in force, the governing body shall take note of any relevant guidance issued by any religious authorities which the governing body acknowledges as having influence over the school."

The noble Lord said: I wish to begin by saying that I do not have any particular attachment to the wording of this amendment. It seeks more to find out what might be possible rather than to provide a recipe for a particular solution. I wish also to say that I am a strong believer in the right and the desirability of having religious foundation schools in this country. They make a great contribution to our nation's education system. However, by such a school I refer to one in which the teaching and ethos of the school accord with a particular religious point of view. I do not see that that has to imply that the school becomes a ghetto which only members of that religion can attend. It may appeal to some, but I think that in certain circumstances that may be quite a destructive way to run a school, in particular for local communities. For myself, I cannot see why an adherence of, say, over 50 per cent to a particular religion plus control over the religious beliefs of

the key teaching staff should not suffice to ensure that a school is run according to a particular religious ethos. In going any further than that, a school in the maintained sector ought to take account of the effect that becoming a religious ghetto has on the surrounding community.

In the course of my business as the publisher of the Good Schools Guide, I have seen a large number of parents become extremely upset when they found that they had been excluded from their neighbouring schools. This can take place from inner-city London to leafy Hertfordshire. It is extremely difficult, when it so happens that your local school is one religion and you are not, that you then have to go a long way to locate what may be considered to be a less good school. This is now happening in the maintained sector. We do not have religious hospitals and we do not have party political schools. The system in a sense imposes a considerable inconvenience on those who are not of a particular religion. The question then arises: is such inconvenience and hurt to the local community justified by the freedom which we choose to accord to religions to run state schools?

When the Bill was considered in another place, amendments were tabled, I believe, by the Liberal Democrats proposing that there should be regulations covering what proportion of a school's intake could be selected on religious grounds. I cannot see how that would work in practice. How can that be judged when one is sitting in the centre? When dealing with a particular case on the ground, it might not matter. It might be perfectly acceptable for a particular school to comprise entirely one religion. That may not cause any noticeable diminution of the educational opportunities for the rest of the community. For myself, I cannot see that it matters that the London Oratory is entirely Catholic. It is easy to travel around London and gain access to many other schools. I cannot see that it is important to regulate to ensure that half the pupils in JFS should not be Jewish.

On the other hand, there are schools in leafy Hertfordshire which used to be open to all religions, but are now closed to all but one faith. Considerable local upset has been caused. This must be something for local decision and, again, I do not see why this power should be given to local education authorities because that would go against the whole thrust of how we are seeking to introduce greater freedom for schools. My personal inclinations, too, err towards greater freedom for schools.

I look on the amendment as another way of tackling the problem. When this point was discussed in the debate on Second Reading, the Bishops were loud in their belief that there was a social dimension to their mandate, that they did have to take the effect on local

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communities into account, that local opinion was important to them and that it would influence how they wanted to run their schools. I believe that that is also as true of the Roman Catholic Church, as it is true of the one or two Muslim schools with which I have had opportunity to discuss this matter.

Given that that is the case and given that these major religions will account for the great majority of religion-based schools, and that Parliament and the media have ways of influencing what attitude the great religions will take towards the schooling of which they are in charge, it would be right to use those means to seek to change the way in which some Church schools have closed their doors to certain other religions and thus to have an effect on the disadvantages that that policy has brought to local communities.

I should like a system whereby the Churches have a power over the schools within their flock. They should be able to ask those schools to have regard to guidance which they had formulated on balancing the needs of the religion to which their members are adherents and those of the local community. They should be able to ask the governing body, not too frequently, to come to a decision based on that guidance. It should be of sufficient comfort if we are then able to take the Church of England or any other Church to task in the context of any perceived hurt as a result of putting that guidance into practice. We should not try to regulate centrally on how religious schools manage their intake. From what was said at Second Reading, I believe that such a system would produce a situation with which I felt comfortable. I hope that we do not have to go down the road proposed as regards regulation. I look forward to hearing what other noble Lords have to say. I beg to move.

**Baroness Blatch:** As my noble friend spoke, I was at times on his side and at times not so certain. I came full circle. My noble friend makes an interesting proposition. I agree that this is not an area for regulation.

The truth is that there are faith schools. Parents of children of a particular faith, Muslim, Catholic or Anglican, would expect to be given access to a school of that faith. They would be very upset if there were some form of quota system—I understand that my noble friend is against that—which determined by informal or formal methods that X per cent of the school shall be made available to children not of that faith and that only a certain percentage of children of the faith could be received into the school. It is a stepping stone to schools becoming secular rather than faith schools. Therefore, I have difficulty on that point.

I have difficulty also as regards regulations, as proposed in an amendment in another place. First, there are a large number of faith schools in our country—Jewish, Catholic, Anglican and Muslim. They offer places predominantly to children of the faith of those schools. However, there has been a tradition, in particular in the Anglican Church, for

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places to be made available to children who live in the local area. Many faith schools have a good record of receiving children who are not of the faith but whose parents wish them to be educated in a school with a Christian, Muslim or Jewish ethos.

I visited the King David school, an exceptionally good school in Liverpool. I understand that fewer than half the children who attend the school are of the Jewish faith. Therefore, more than half are not of the Jewish faith. In addition to the national curriculum which all those schools are required to follow, there is a distinct Jewish ethos. One walks out of that school feeling very good about education. There is an exceptional mentoring system. The ethos within the school is exceptional. There is clearly a generous approach to young people of that area being accepted into the school.

I assume, because I do not know, that places are made available to children not of the Jewish faith because there are not enough children of the Jewish faith to take those places. I should like priority to be given to children of that faith who wish to take those places rather than having them taken by children of other faiths. The same argument applies to Anglican, Catholic and Muslim schools.

With regard to Muslim schools, I am not certain whether doors are opened similarly to children not of the Muslim faith. My caveat is that there are few of those schools and they

are in areas of high Muslim population. Therefore, it is likely that those schools would have almost 100 per cent of children of the Muslim faith.

Equally, I have visited an exceptional school in the Tower Hamlets area, headed by the partner of Chris Woodhead. Ninety-something per cent of the children were of the Muslim faith; yet it was not a faith school. Respect for and accommodation of the faith of those children was managed well by that school.

It is a sensitive issue. I do not believe that we should go down the road of quota systems. Nor should we follow the road proposed in the amendment passed in another place. I agree with my noble friend. I believe that there is scope for the Churches—it will be interesting to hear the right reverend Prelate if he speaks on the amendment—and faith groups themselves to consider the policy which they operate not only to meet the needs of the people of their faith in the area but also those of children of other or no faith.

**The Lord Bishop of Blackburn:** I had intended to intervene in debate on this part of the Bill. I am not clear whether the noble Lord favours faith schools but he seeks to be helpful. Unfortunately, the amendment is too vague to achieve his aim, with which I have a great deal of sympathy, as did the noble Baroness, Lady Blatch.

Like the noble Baroness, I vacillated in my appreciation of what he said. The introduction of words such as "religious ghetto" is extremely unhelpful. If one wants to use the word "ghetto" about schools, there are ghetto schools in almost every class

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of school. Community schools serve socially deprived or socially elite local communities, and so on. I would resist that phrase.

Most faith schools are community schools serving the local community, whether Roman Catholic or Anglican. That would be equally true of the few Muslim schools. For some of us the difficulty arises with regard to secondary education. As there are so few such schools the kind of things which the noble Lord described can happen. On these Benches, we do not believe that a quota system of percentages would be helpful. That would push the problem a little further down the line. One would still have to make awkward and difficult decisions. What would be best in one neighbourhood would not be best necessarily in another.

However, the noble Lord may have noticed that a further amendment has been tabled as regards this matter; namely, Amendment No. 211 in the name of the noble Baroness, Lady Ashton of Upholland, which would deal with this question as far as concerns Anglican schools. We have deliberately asked the department, the Government, to make provision for Anglican schools in the light of criticisms that have been made about admissions policies being what I would call "eccentric" in some schools, or perhaps determined not to listen to local need, so that the diocese would have at least some part to play in that process. It is for others to say whether that kind of arrangement would be suitable to other faith communities. No doubt some noble Lords will be able to enter into that debate.

I would resist this amendment on the grounds that it is too vague. I urge the Committee to support Amendment No. 211, which our authorities have carefully negotiated with the Government. However, we must not underestimate the difficulties involved. Many people who are supporters of such schools would press the local initiative of the local governors. We must be careful that we are not, as it were, speaking double-speak: on one set of



proposals we want the most local input that we can get, while on the other we want to bring in other people. It would be helpful if governors of Anglican schools had, in some way, to listen and have regard to advice given by the diocesan authority. I urge the noble Lord to withdraw his amendment, and to put his support behind Amendment No. 211.

5 p.m.

**Baroness Sharp of Guildford:** The name of the Liberal Democrats has been mentioned on a number of occasions; indeed, we were party to a series of amendments put forward both in Committee and on Report in the other place that did propose a quota system. However, the debate that took place in another place and which, subsequently took place both within our party and within other forums has indicated that that is not the right way forward. That is why we have not tabled a similar amendment in this Chamber.

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I do not know whether noble Lords have noticed, but we have tabled an amendment under the clause dealing with admission forums; namely, Amendment No. 178A. The amendment was put down rather late, and, arguably, ought to have been grouped with the amendment now under discussion. I apologise to the Committee for failing to spot the connection. Our amendment suggests a slightly different way forward. It relates to the admission forums, which cover all maintained schools and, therefore, all voluntary-aided schools, foundation schools, as well as voluntary-controlled and community schools. The amendment proposes that a voluntary-aided school that is a faith-based school should make clear to the admission forum the proportion of pupils coming forward from a particular faith.

Our amendment would also place some responsibility on the admission forum to take account of local need and the demand for faith-based places locally. I believe that it is a fairly bland amendment; it does not seek to push such proposals. However, it raises the issue that exercised people's minds when the discussion took place in the other place; namely, that such schools are substantially funded by the state, from the public purse—indeed, to the tune of 100 per cent in relation to current revenue costs. Of course, part of the capital funding comes from the Churches, which, as the right reverend Prelate said, recognise the need to serve the local community. There seems to be some inequity if some schools are excluding would-be pupils who are living right next door because they are not of that particular faith, despite the fact that a wish has been expressed to attend that school. The issue of proximity must sometimes be taken into account.

Although Amendment No. 178A has a somewhat different approach to the matter, it relates to the same issue that we believe needs to be aired; namely, the question of serving the community and, to some extent, the availability of some school places for the local community. That is precisely what the majority of faith-based schools try to achieve. Indeed, the inequity arises in a small minority of cases. That is why we have put forward our amendment.

**Lord Alton of Liverpool:** I am grateful to the noble Baroness, Lady Sharp, for her observations. I am pleased to note the change in tone and, indeed, of direction from that which dominated our earlier debates on the subject. I agree that it would have been helpful if Amendment No. 178A had perhaps been grouped with the amendment now before the Committee. That would have enabled the debate to be taken in its entirety at

this point.

The noble Lord, Lord Lucas, is well intentioned in placing his amendment before the Committee today, but the reason for the tension on this question goes back to our Second Reading debate and the discussion on the role of faith schools in our society. Indeed, it does not just go back to the Second Reading debate, or to the debate that took place in another place; it goes right back into the mists of time. Similarly, I can tell

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noble Lords from my former party that this is not a new argument for them. It was Mr Gladstone who said:

"As to its politics, this country has much less, I think, to fear than to hope; unless through a corruption of its religion—against which, as Conservative or Liberal, I can perhaps say I have striven all my life long".

That, in turn, led to the great debate at the turn of the 20th century, which found Hilaire Belloc, who was then a Liberal Member of Parliament and a Catholic, leading some 80,000 people in a protest to the Royal Albert Hall against his own party and government when the charge was being made that any contribution towards the new schools for poor Irish immigrants would be "Rome on the rates". Echoes of that debate emerged during the 20th century in, for example, the debates on the Education Act 1944. Indeed, such questions return to visit us from time to time.

There have been arguments over Jewish schools, and now the discussion has moved to Muslim schools. I was especially pleased to hear the remarks made by the noble Baroness on the King David High School in Liverpool, which served many of the people who I represented when I was a constituency Member of Parliament for that city. The noble Baroness is quite right to say that that school has always served people from many walks of life, and from different backgrounds. The authorities of that school would say very clearly that it is a Jewish school, and that that is its great strength. Its ethos is a Jewish ethos. If others wish to participate in that, they are welcome to do so. I know that this amendment does not seek to do so, but to dilute its ethos—as emerged in the previous debate—would be quite the wrong way to proceed. Indeed, it would alienate many people throughout the country who passionately support the provision of Church schools.

The noble Baroness, Lady Sharp, will know that there are others who have taken a much tougher line on such matters. For example, the former education spokesman for her party in another place said that, in an ideal world, there would be no religious state schools. He went on to say that his party would put a stop to the daily act of worship. I fundamentally disagreed with him at the time; he knows that, and we corresponded on the subject. I do not think that it is an "ideal world" to prevent people from being able to send their child to a school with a religious ethos. It would diminish all of us if we removed such practices as the daily act of worship from our schools. It is most important for us to transmit our cultural values from generation to generation.

As the right reverend Prelate said earlier, I also believe that it is something of a caricature to talk about schools as though they are "ghetto schools"—to use the phrase of the noble Lord, Lord Lucas. The schools that I visit throughout the country that are run by different Churches and faiths serve many people from beyond their own communities, but they have their own identity because of the community from which they have sprung. The facts bear out what I am saying. There is no need to impose a quota along the lines

suggested in the Liberal Democrat amendment in

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another place—for example, that 25 per cent of places should go to people from other faiths. In the United Kingdom 20 per cent of pupils in Catholic schools happen not to be Catholic.

The experience of the noble Lord, Lord Lucas, in places like Hertfordshire is true. In the Westminster archdiocese and in that of both Liverpool and Salford, demand for Catholic places is extremely high and will often outstrip the supply. More than 90 per cent of pupils in those dioceses tend to be Catholic, but they are the exception rather than the rule. In the Birmingham archdiocese, for instance, 27.1 per cent of pupils are non-Catholic; in the Clifton diocese, which serves the Avon and Bristol areas, the figure is 30.1 per cent; in Hallam in the Sheffield area it is 32.6 per cent; in Plymouth 39.5 per cent; and in the Wrexham diocese it is 24.9 per cent.

Everyone knows that in some situations and in certain areas we may be approaching a position where the character and the ethos of a school can be radically altered if the proportions become too unbalanced. This is why the noble Baroness, Lady Blatch, is right to say that we should approach this issue with great discretion and trust the people on the ground to make the right decision. We should not have a regimented approach.

During the Second Reading debate the noble Baroness, Lady Walmsley, promised an amendment at this stage which would be based on catchment areas. I am delighted that that amendment has not so far appeared on the Marshalled List because its effect would be to create a situation where the ability to buy a house in close proximity to a particular school would be the one reason why someone would be able to get into that school. It would not be on the basis of someone's faith, commitment, social need or the desirability of having a place in that school, but because that person could move there. It would mean replacing the sensitively worked-out approach which is pragmatically being applied on the ground with something far more arbitrary and socially damaging.

I believe the Government have got it right. I welcome the approach that the Minister has taken to this whole issue. It is a sensitive question but she has acted in accordance with the concordat that was made in 1944 between the Churches and the state by the government of the day. The Government are entitled to our support on these questions today.

But we do have to address some of the points made by the noble Lord, Lord Lucas, one of which was the need for shared civic values. We have a right in our society to ask Church schools and schools of other faiths, "Are you teaching children in your schools to share the same civic values as the rest of us?". If a shared love of democracy, our civic institutions and the upholding of the rule of law is not being taught, we have a perfect right to ask questions. If the schools are not teaching the value of diversity, pluralism and respect, again we have a right to ask questions about that.

But my experience of such schools is that they do indeed promote precisely those things. In the City of Liverpool last night, the Cardinal Archbishop of

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Westminster, Cormac Murphy-O'Connor, was present at a lecture at the Liverpool Philharmonic Hall. Eight bishops were present—four Roman Catholic and four Anglican. The sight of the Anglican Bishop of Liverpool, James Jones, and the Roman Catholic

Archbishop, Patrick Kelly, was a great metaphor in itself of the progress that has been made in that once sectarian city and of the way in which Church schools have become the engine for that kind of rapprochement between people who were divided at one time and living in, if you like, twin houses of hate. The schools in our city—more than 40 per cent of which are Church schools—have played a very important part in achieving that. Last night, children from some of those Church schools were receiving awards for their engagement in the civic life of the city. One of the young men present was a Young Conservative, James Maudsley, a human rights activist who went out to Burma. He is the product of a local faith school. We can all be enormously proud of him, having read in the newspapers how Ang Sang Su Chi, that marvellous beacon of democracy in Burma, was paying tribute to the risks that he took with his life, motivated and fired as he was by his faith. Another dimension is sometimes given to people as a result of their upbringing through our faith schools, so the use of the term "ghetto" in describing those faith schools is disingenuous.

The noble Lord, Lord Lucas, was wrong to say that we do not have religious hospitals. We do have hospitals which are run by religious orders. There is one in the constituency that I represented previously in another place which serves the wider community. Religious institutions are part of the web and weave of our lives in every respect. We should value that, uphold it and ensure that they continue to prosper.

If the amendment were incorporated into the Bill, it would have a practical effect which may be undesirable from the noble Lord's own point of view. The amendment suggests that notice should be taken of,

"any relevant guidance issued by any religious authorities which the governing body acknowledges as having influence over the school".

That does not mean that it has to act on that guidance—in that sense it is not prescriptive—but if there were to be an offending school it would be the least likely to take any notice because it is not mandatory.

The amendment refers to "any religious authorities". What is a "religious authority"? Does it mean that if a cult—for instance, the Scientologists, the Moonies, the Children of God and so on—came along and said, "We have a child in this school and we wish you to take note of a prescription that we wish to impose on the school", would the school be required to do so under the terms of the amendment?

Were the amendment to be incorporated it would be unhelpful to the legislation. We should go with the amendment that the Government have placed before the Committee. We should keep the spirit of the Bill and the spirit of the agreement that has been carefully

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worked out between the Churches, the great faiths and the state. It is an agreement which is serving this country well.

5.15 p.m.

**Baroness Ashton of Upholland:** I am grateful to the noble Lord, Lord Lucas, for bringing forward this proposed amendment to Section 91 of the School Standards and Framework Act 1998, not least because it has allowed us to range more freely in our discussion. In responding on behalf of the Government, I do not wish to pre-empt the discussion that we will have later when the noble Baroness, Lady Sharp, brings forward

her amendment, but, as did the right reverend Prelate the Bishop of Blackburn, I wish to draw attention again to Amendment No. 211. I look forward to the debate. I hope that we will be able to find common cause within it.

The Committee may be aware that Section 91 allows aided and foundation schools with a religious character to preserve that religious character by rejecting applications from families not of their faith or denomination. A typical Section 91 arrangement defines a limit on the number of places at a particular faith or denominational school that may go to pupils not of that faith or denomination.

Where schools give children of a faith or denomination priority for admission and are over-subscribed with pupils of that faith or denomination, a Section 91 arrangement has no additional effect. It makes a difference in practice only where fewer children of the faith or denomination apply to the school than the arrangement envisages. If that happens, the arrangement will allow the school to keep empty those places it cannot fill with pupils of the faith or denomination, even though there may be a demand for those places from other families.

The Government have been giving serious thought to whether Section 91 arrangements are compatible with our aim of establishing an admissions framework that ensures that as many parents' preferences as possible can be met. We believe that allowing schools to keep places empty when there is demand for them is at odds with our aim. We do not believe that it is an efficient use of resources for places to remain empty in some schools if overall demand for places in a local education authority's area can be met only by the authority having to meet the cost of providing additional school places elsewhere. Empty places mean less funding for the schools themselves and fewer resources available for children in those schools.

In practice, there are very few Section 91 arrangements in place. Many Catholic schools and their dioceses already take the view that it is better to fill all their places by admitting children of other faiths or denominations or of no faith than to keep places empty. As the noble Lord, Lord Alton, said, about 14 per cent of children in Roman Catholic primary schools and more than 20 per cent of children in Roman Catholic secondary schools are not Catholic.

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I am able to announce today that we shall be bringing forward an amendment at Report stage to repeal Section 91 of the School Standards and Framework Act 1998. That will end the possibility of faith schools under-subscribed by faith adherents agreeing arrangements with their local education authority to keep places empty.

In coming to this decision we have been very grateful for the helpful approach taken by the Roman Catholic authorities. We have discussed our decision to repeal Section 91 with these authorities and will continue to discuss with them how our decision is to be implemented. Where Roman Catholic demand has been met, they are happy for the benefits of Catholic schooling to be extended to other families who appreciate and want those benefits. I hope that the Committee will agree that repealing this section is an important contribution to ensuring access in principle to faith schools for members of other faiths or none.

I can, however, assure the Committee that repealing Section 91 will in no way alter the rights of governing bodies of Catholic and other religious voluntary-aided or foundation



schools to define their own admission criteria and priorities, and in particular to give priority admittance, if over-subscribed, to members of their faith or denomination. The Government recognise that many schools hold sincerely to the credo that they were established to serve their particular faith community and that that is where their primary responsibility lies.

I hope that the noble Lord, Lord Lucas, will acknowledge that, in the light of my remarks, his amendment could be withdrawn.

**Baroness Blatch:** Perhaps I may ask the Minister a question. What evidence does the department have of school places deliberately being kept vacant when others in the area who are not of that faith wish to attend those schools? What percentage of available places does that represent?

**Baroness Ashton of Upholland:** I am afraid that I cannot supply the percentage, but we know that a few schools—only a few—have used these arrangements in order to keep places empty. This led to our discussions with the Roman Catholic authorities. They have been extremely helpful and are in agreement that we must work this through in a practical way which will make sense. On that basis, we believe that the proposal that we intend to bring forward on Report will enable us to ensure that where there is a demand for school places—the noble Baroness gave a good example; namely, the King David High School in Liverpool, where the demand for places far exceeds the number of children from that particular faith—the school will be kept full so that children will be able to enjoy the benefits of the quality of education in the school.

There is no disagreement among those who currently hold places open; it is simply something that we want to move towards. If the noble Baroness would

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like me to write to her setting out the detail she requested, I shall do so. I apologise that I do not have the percentage in front of me.

**Lord Lucas:** I have been fascinated by the debate. I am delighted to hear that Amendment No. 211 will move in the direction in which I had hoped to find the Churches moving. I had presumed from the fact that it was not grouped with this amendment that that was not the case, but I shall listen to that debate with interest. I hope to hear from the Roman Catholic Church as to what it is doing of an equivalent nature. I do not know how strong a control it has over the policies pursued by its individual schools, but I very much hope that it will find a way. Not being the established Church, it does not have the advantage of our being able to legislate for it. However, I hope that we shall find that the two Churches are moving in unison.

It is important that we do not allow, more than we absolutely have to, the development of separate communities in this country. For children to grow up without experience of anyone who is not part of their immediate community can be all right in small quantities—the world is big and the rest of the world is out there for them to see outside the school gates. However, one can see the ultimate expression of that in Northern Ireland, and the beginnings of its expression in places such as Oldham.

It is possible for the Church school system to become part of an instrument separating a community into constituent parts which grow up without proper experience of each other. I hope that we shall not allow that to continue—particularly when we are examining the possibility of having more faith schools, which I am happy to see. We must make sure



that the possible side-effects of that are not allowed to develop in this country. It depends very much on the determination of the great religions to make sure that that is not the way in which matters develop.

Perhaps we can arrive at a position where the Churches are freely able to found new schools, as I shall advocate in a later amendment. In that way, the Churches would be sure of having more than enough places for their own adherents and the ability to draw into their schools pupils whose parents—we are talking about selection in terms of parents, not pupils—may not be members of the religion but who want their children to be brought up in the faith, which they may admire from the outside while not accepting it themselves. I was brought up on stories of Don Camillo. I remember that Peppone had his child christened after great trials and tribulations. That is an approach that we should allow as many people as possible to follow. I beg leave to withdraw the amendment. Amendment, by leave, withdrawn.

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**The Lord Bishop of Blackburn:** I rise to speak to Amendment No. 171, which stands in my name and that of the noble Lord, Lord Alton of Liverpool, and which is grouped with this amendment.

[Page 27, line 31, at end insert-

"( ) Regulations shall secure that the membership of a schools forum includes representatives of the governing bodies and head teachers of any voluntary aided schools maintained by the authority."]

We are concerned about this aspect of the Bill. The creation of schools forums is a debatable matter in itself. It is clear to us, particularly since the Regulatory Reform (Voluntary Aided Schools Liabilities and Funding) (England) Order came into effect in April this year, that particular issues involving voluntary-aided schools have to be addressed. If the forums will give advice to local authorities on funding and school budgets, it is essential that they are at least represented on schools forums. It would be an injustice for a body to be discussing the budgeting and funding arrangements for particular schools if there was no representative of the schools on the forum. That may be an oversight in the way that the Bill has been drafted. However, it seems to me that, of all the stakeholders, this is a particularly important one, although I share many of the reservations of the noble Baroness, Lady Walmsley, concerning the representation of all schools in this area.

I hope that, in replying, the Minister will be sympathetic to the concerns of the voluntary-aided schools. When it comes to forming a budget and the funding of a school, they have particular issues to address which are not applicable to community schools.

....

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**Lord Alton of Liverpool:** When the Minister comes to reply to the noble Lord, Lord Jones, and to the noble Baroness, Lady Walmsley, no doubt she will deal with the general question of schools forums. I believe that we all wait with interest to hear what she has to say. However, my purpose in rising is simply to support the remarks made by the right reverend Prelate the Bishop of Blackburn, who suggested that voluntary-aided schools

should certainly be involved in the membership of schools forums where they are established.

It is paradoxical that earlier in our proceedings the complaint was made that Church or faith schools did not always play their part in the wider community. Earlier, the noble Lord, Lord Lucas, used the phrase "ghetto schools". Some Members of the Committee disagreed with that and said that it was an unfair caricature of those schools. However, unless we incorporate this amendment, or something like it, into the text of the Bill, there is a danger that voluntary-aided schools will be set aside in precisely the way that was suggested when concerns were expressed earlier in our proceedings. I agree with the right reverend Prelate. I suspect that there may have been an oversight in the drafting of the Bill. I hope that when the noble Baroness, Lady Ashton, comes to reply, she will be able to give a helpful response.

. . . .

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**6.15 p.m.**

**Baroness Ashton of Upholland:** . . . . I turn to Amendment No. 171 which stands in the name of the right reverend Prelate the Bishop of Blackburn. It requires that schools forums should automatically have head teacher and

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governing body representation for voluntary-aided schools. I recognise that that reflects concern within the Churches that such schools may not have their particular interests adequately represented on the forums. In response to that concern we propose to insert in the regulations on forum membership a provision that permits LEAs to organise the election of school members so that there is separate representation by school type, if it appears that that is justified by local circumstances and wishes. Those on the schools forums will be elected teachers and governors from the schools within the area.

However, we do not believe that there is justification for an automatic representation for voluntary-aided schools. First, such a right would be disproportionate. In many authorities fewer than 20 per cent of schools are voluntary aided. In fairness, such a right would have to be matched by rights for other school types. Secondly, schools forums are to be concerned only with school funding matters. We believe that the category—community, voluntary or foundation—that a school falls into does not affect its funding from the education authority to any significant degree, especially now that changes have been made to governing body liability for premises of voluntary-aided schools.

That means that the situation is not analogous to school organisation committees which always have diocesan representatives. We understand that the Churches will want to have an involvement. Therefore, I say to the right reverend Prelate that in guidance on the forums, about which we shall be consulting shortly, we intend to encourage LEAs to appoint diocesan representatives as non-schools members. Furthermore, voluntary school heads and governing bodies will no doubt be keen to stand for election as schools members. We think that that is the better way, and I hope that the right reverend Prelate the Bishop of Blackburn will feel able to withdraw his amendment.

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**Baroness Sharp of Guildford:** I rise to speak to Amendments Nos. 176 and 178A, which are in my name and that of my noble friend Lady Walmsley. . . .

I shall also speak to Amendment No. 178A. We touched on it in our debate on the amendment that was moved by the noble Lord, Lord Lucas, on faith schools with a religious bias. The amendment emerged from discussions about what, if anything, we should table in Committee on the issue of faith schools. As I said earlier, we should recognise that the concept of a quota is not the right way forward. Nevertheless, we feel that it is right for those schools—which are maintained schools in that they are 100 per cent funded in terms of revenue costs from the public purse—to recognise that questions arise about the community that they serve. We should consider whether it is possible for them to balance the needs of the community with the need to serve the faith community that they represent and which helps to support those schools through capital funds. Within the framework of admission forums, the amendment seeks to balance the requirements of the faith community and suggests that the school should advance proposals on the number of places to be taken up by members of a faith. But, equally, the amendment seeks to ask the admission forum, which must give advice to the local authority on these issues, to take into account not only that but also the need for places in the area and the demand for places in faith-based schools.

Therefore, the amendment is a deliberate attempt to reach what we consider to be a reasonably acceptable compromise. In putting it forward, we held discussions with members of all faiths, including the Muslim faith, and found that it was largely acceptable to them. We hope that it might also find favour with the Committee

...

**Lord Alton of Liverpool:** I support the arguments which were first put to the Committee by the noble Baroness, Lady Blatch, in Amendment No. 175. In that amendment, the noble Baroness argued that whether or not an admission forum is established should be a matter for local discretion. That is logical and consistent and coherent with the arguments that

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she advanced earlier in our proceedings in the context of schools forums being a matter for local decision-making.

I believe that, in accordance with the principle of subsidiarity, we should trust schools to work these matters out for themselves. I agree with the noble Baroness. I can recollect instances where admissions policies became very hot political questions in a locality and in other parts—indeed, in the very same city where they had never been an issue at all. Whether or not they were hot political questions depended very much on where one lived and what the catchment areas were. If there were local demand for such a forum, it could be innovative and helpful. Therefore, I believe that the Government are on to a point here and one which, if there is local demand for it, should be met.

I believe that that approach is wholly in contradiction with that being adopted by the noble Baroness, Lady Sharp, in Amendment No. 178A. That amendment seeks to impose from outside the requirement on faith schools to observe certain procedures so far as concerns admissions. We should be very clear about this. It is an insidious attack on the independence and integrity of Church schools, whose governing bodies at present determine these matters for themselves in accordance with the ethos of their schools and

in accordance with the policies of their diocese and the authorities that administer those schools.

I believe that this is part of a drip, drip, drip approach. It is an approach which has been brought forward instead of that originally adopted—I shall return to this point in a moment—which tried to impose rigid quotas, as the noble Baroness, Lady Sharp, mentioned. Although I am grateful that the noble Baroness has moved back to my original proposition, I believe that this comes from the same philosophical approach and should therefore be opposed. When one is run over by a tank, it is fairly self-evident that sometimes the devil arrives in carpet slippers. Therefore, one should be very much more suspicious of him on those occasions.

The first part of Amendment No. 178A seems to be fairly benign. It proposes that a voluntary-aided school may propose to the admission forum that a certain proportion of places within the school should be offered, as a priority, to members of the faith promoted by the school. If admission forums are to be established, as the Government have proposed in Clause 44, this part of the amendment can help to ensure that they respect the religious character of voluntary-aided schools within their area. I do not believe that any of us has any great problem with that.

However, any potential benefit of such faith-based input to the admission forum is fatally compromised by the second part of the amendment. When the admission forum, after receiving a proposal from a voluntary-aided school, offers its advice to the local education authority on admission arrangements, it must consider the need for places in the area and the demand for places in faith-based schools. In effect,

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therefore, it can completely disregard the proposal from the faith-based school and offer advice that could seriously dilute the ethos and character of the school.

The amendment fails to recognise that the admission authorities of voluntary-aided schools already take into account factors such as the need for places in their area and the demand for places in faith-based schools. The Catholic Church, in particular, which was referred to in our earlier debate, has demonstrated its willingness to relinquish schools where demographic trends and the needs of the local community indicate that alternative provision is needed. I was grateful to the noble Baroness, Lady Ashton, when she said that the Government are already in discussion with the diocesan authorities and that a constructive and positive approach is being taken to deal with the tiny number of cases where such a situation arises.

In many areas where it has been the wish of the school trustees, the governing bodies and the local community, and where space has been available, Catholic schools have welcomed pupils from beyond the Catholic community. In our earlier debate I cited the figures. Nationally the figure is approximately 20 per cent, and in some diocese more than one in three pupils are not Catholic but are in Catholic schools. I believe that that mirrors the situation in Church of England and other schools, too. It shows that the populations in those schools are diverse and that they represent the communities that they serve.

During our Second Reading debate, I believe that an erroneous impression was given of some of those schools when it was suggested that only children from very privileged backgrounds would be admitted to them. The noble Lord, Lord Peston, said that children from rough backgrounds or, indeed, those of a particular colour would be refused

admission. I have spoken to teachers who work in those schools and who have read those remarks. I know that they found them very offensive and considered them to be a considerable attack on their morale and on what goes on in those schools. I believe that anyone who looks at such schools will realise that it is a very unfair picture.

Therefore, schools should remain free to decide these questions for themselves. The amendment before the Committee tonight seeks to achieve the exact opposite by vesting authority in the proposed new admission forums. Too often in the debate thus far subterfuge has characterised the tactics of those who are fundamentally opposed to faith-based schools. There is an echo here of what the noble Lord, Lord Baker, said to the Committee earlier on the issue of grammar schools. I believe that it is more straightforward if we say exactly where we stand in relation to these matters.

In the other place the idea of quotas was put forward and that faith-based schools should be obliged to admit a minimum of 25 per cent of their pupils from other faiths, notwithstanding that the vast majority of schools already do that. In the Second Reading debate

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in your Lordships' House the idea of catchment areas was put forward. The noble Baroness, Lady Walmsley, warned that,

"The Liberal Democrats will propose an amendment to the Bill that makes it unlawful for any school in receipt of state funding to deny access to a child from its local community on the grounds of faith or lack of faith".—[Official Report, 11/3/02; col. 631.]

As the noble Baroness, Lady Sharp, has said, that idea appears to have been quietly shelved, perhaps out of recognition that it would encourage the creation of religious ghettos around certain faith-based schools, the very thing that the noble Lord, Lord Lucas, warned about in his remarks earlier. That would be the effect of the proposal mooted at Second Reading and it would achieve quite the opposite of what the proposer seeks to achieve.

Notwithstanding those points, Amendment No. 178A has now been laid before the Committee. We can see from where the idea of admission forums has come and the effect of those forums if they have the power to advise local education authorities on the admission arrangements of faith-based schools. Much would depend on who are the members of the forums, what particular ideologies and issues they pursue and what axes they want to grind, which sadly often is the case. One cannot help but wonder why, instead of the subtle variations on a theme, we do not simply hear a straightforward declaration of fundamental opposition to the existence of faith-based schools.

Of course, clarity is not at all popular with the electorate, many of whom send their children to faith schools. Not surprisingly they are aghast when they discover that some politicians would like to shut down their children's schools. That is an issue in areas such as Richmond upon Thames and in my own city of Liverpool. Accusations that such schools encourage divisiveness and social fragmentation causes widespread dismay within the teaching profession in those schools and it damages morale.

This amendment has been justified by the argument that Church schools are non-integrated. That simply is not true. Many faith-based schools are already beacons of social integration. It is a misconception that faith-based schools are like little educational islands that do not mix with others in the educational or wider community. Many of our teachers

and pupils play a full and active role within their local education authorities. Catholic schools in particular have been enthusiastic participants in initiatives such as the setting up of specialist schools and sharing expertise under the beacon school arrangement.

**Baroness Sharp of Guildford:** I hear what the noble Lord, Lord Alton, says, but I believe that he is maligning what I said in the earlier debate and in this debate. I have not suggested that Roman Catholic schools are not inclusive. In the earlier debate on the amendment tabled by the noble Lord, Lord Lucas, I said that there were few schools—I believe the problems apply to only a very few schools—where

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there is a problem of excluding those from the immediate local neighbourhood in which there is some demand. That applies to an extremely small number of schools and to imply that there is a plot on our part, rather than a genuine attempt to try to arrive at some kind of compromise is totally unfair.

**Lord Alton of Liverpool:** I am sorry that the noble Baroness, Lady Sharp, is upset by what I said. One can refer only to the record and in our earlier debate I quoted the former Liberal Democrat spokesman on education in another place, Mr Don Foster, who said that in an ideal world there would be no faith schools. He said that he would be in favour of, for example, the abolition of the daily act of worship. We know that a proposal was put forward by the party of the noble Baroness in another place which sought to impose rigid quotas—a 25 per cent quota. We have heard what the noble Baroness has said this evening and I have already paid tribute to her for pulling back from that position. I reiterate that comment.

However, in her remarks a moment ago she indicated that there are some schools where she believes that those children who come from a faith background should not be given a place in a school in preference to people who live closest to the school. That would be a discriminatory measure against the children of that faith who live in that area. That is an issue of concern to parents who have children in such schools. I believe it would be wrong of the noble Baroness not to appreciate, as the noble Lord, Lord Brooke, said in his intervention, that there will not be widespread interest in these debates outside the Committee as there has been during the course of the recent local elections.

My point is that we should look to those schools to see what a fantastic contribution they make and praise them accordingly. In Ofsted's annual report, for example, HMCI's list of "particularly successful schools"—Ofsted's phrase—included a high number of Catholic schools. Ninety secondary schools were listed and of those 15 were Catholic; 206 primary schools were listed and of those 42 were Catholic. When one considers that Catholic schools provide 10 per cent of schools nationally, it is clear that Catholic schools are included to a higher proportion than their overall share of the maintained sector.

Earlier in our debate, the noble Lord, Lord Lucas, said, as have others in a previous debate, that if we go down the route of supporting such schools the result could be the kind of situation that persists in Northern Ireland. The examples of Burnley and Oldham have also been cited. I want to refer to them briefly.

Over the years I have been involved with interdenominational Christian groups in Northern Ireland who have sought to establish integrated Christian schools. I supported those initiatives because I believe that, where there is sectarianism, that becomes the priority. That is not the case in England and Wales and we need to be clear about that.



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But even in Northern Ireland, the Northern Ireland Centre for Integrated Education—an organisation which works to promote Catholic and Protestant co-operation—says,

"Our segregated education system has not delivered our troubles—that's rubbish. Sectarianism is the lava below the surface, and whether we had an integrated school system or not, that lava would erupt".

We also heard reference made earlier today to the situation in Oldham and Burnley. I took the trouble a few months ago to visit Oldham. I was telling the noble Lord, Lord Davies of Oldham, about that visit during the break. I met some of the teachers in the schools there. I listened carefully to what Lorna Fitzsimons, the Member of Parliament for Rochdale, said when she went to review the situation there. She said that the problems did not arise from Church schools; they arose from children coming from state schools who had not been integrated into the community to learn about co-existence with children from minorities.

I have seen the evidence of the teaching of civic values, of integration, of diversity in schools in places like Oldham. And we have to face the serious issue of how we promote shared civic values. All Members of the Committee should concentrate on that question rather than trying to impose rigid quotas or admissions systems which are an attack on the independence of Church schools and are seen that way.

The Secretary of State for Education, Estelle Morris, put it well when she said,

"the strength of faith schools for those who have a faith is a shared value base—a sense of purpose, mission and being".

I believe that that is the principal reason why Church and faith schools remain so popular in our country today.

In summary, Amendment No. 178A is unnecessary. It is indicative of the various attempts that have been made to date to disparage faith-based education. I hope that the Government oppose the amendment.

**10 p.m.**

**Lord Pilkington of Oxenford:** I support the noble Lord, Lord Alton. There is a long history in English education that we allow the Churches, particularly the Roman Catholic Church but also my own Church, to support faith schools. They have put enormous amounts of money into doing just that. And traditionally they have been allowed to decide their own admissions policies.

I can only speak for my own Church; I cannot speak for the Roman Catholic Church which has invested more money than my Church. But many faith schools admit enormous numbers of people from other faiths. An amendment which, for the first time in 140 years, allows the Government to impose on Church schools their own admissions procedures is quite a revolutionary proposal. I hope that the noble Baroness will withdraw the amendment. It interferes with a right that the Church schools have always had and one

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which is highly regarded throughout the whole of Europe. I hope therefore that Church schools will be allowed to retain their integrity.

**The Lord Bishop of Blackburn:** I rise to take a middle way on this matter, as one would expect from these Benches. It is possible to see a Trojan horse here. But I pay tribute to the noble Baroness, Lady Sharp, for the consultations she had with a number of us in

seeking to frame this amendment.

The noble Baroness will not be surprised to hear that I am not 100 per cent in favour of her proposal. But if we are to have admissions forums—that is yet to be decided—and they are to do their work, then they have to take cognisance of the existence of Church or faith schools. It would be irresponsible of them to behave as though they were sharing out children among community schools rather than dealing with the whole of the maintained sector.

I take issue with the use of the word "propose" in the first part of Amendment No. 178A. I prefer to use "inform". I want to see the voluntary-aided schools participating in the education of children. As Members of the Committee have said, many of them carry out all the requirements asked for in terms of inclusiveness and taking children who have parents of other faiths or of no faith. That is certainly the case in my diocese, particularly at the primary level.

We are dealing with that area of life where real choices have to be made. We are dealing with success. When we are at the bottom of a pile, then few choices lie before us. But when something is popular or successful, then those who are in charge of it, be they the governors or those who dispose of education in various ways, have to make real choices as to how they proceed. I am delighted to be standing in your Lordships' Chamber tonight espousing what is a popular cause with parents the length and breadth of the country, which is why we in the Anglican Church have such great difficulty in accommodating at secondary level those who would like to attend them. In saying that, we remain faithful to our trust deeds—to be distinctive but inclusive. As the noble Lord, Lord Pilkington, has just said, we have educated millions of children whose parents have not espoused our faith.

As to the second part of the amendment—and we were not able to discuss this beforehand because it has only just occurred to me—what happens if the forum says, "No way, oh brothers and sisters in the faith schools and the Church schools", and takes a draconian line in its attitude to those schools before the local education authority?

I am relatively content even with that if the forum is purely advisory and if there is some appeal system, which I think there is. Therefore, I am looking for some way to share in the issue of how pupils are educated which meets parental choice whether or not they belong to the churches or to the faith communities; which meets the desire of people who realise that they want this kind of education for their children; and which meets the needs of the local

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community. The amendment goes some way to engage that issue. However, I should like to see the governing bodies of voluntary aided schools informing the forum of their policy. Then, if appropriate, listening to what the forum might want to say. Ultimately, however, the governors of those schools have responsibility for the faith quotient over the local aspect, which most of them exercise extremely well at the present time.

**Baroness Sharp of Guildford:** Perhaps I may reply to the right reverend Prelate. The admissions forums are purely advisory. They cover all maintained schools. The definition of "maintained schools" includes both voluntary controlled and voluntary aided schools, but of course voluntary aided schools are their own admissions authorities. New Section 85A(1)(b) says,

"advising the admission authorities for maintained schools".

Therefore, the whole idea of the amendment is to advise the governors of the voluntary aided schools where they feel there is a conflict between, say, the needs of the community and the needs of the faith and ask them to consider it. Obviously it is only advice, and ultimately those who decide, as I understand it, on the admissions to such schools are the schools themselves.

**The Lord Bishop of Blackburn:** The noble Baroness takes my point exactly. I wanted to have on the record that we are talking about advice and that the governors of a voluntarily aided school would not necessarily be bound by that advice, although I would hope that they would listen carefully to what people were trying to say.

**Lord Lucas:** My Amendment No. 177 is in this group. Perhaps I may first say that I do not want to abolish faith schools. My position is very much the reverse. I want more of them. I want sufficient numbers of them so that those parents who do not spend every Sunday going to a church of a particular denomination can nonetheless find places in church schools if that is what they want for their children.

The fact that only 20 or 30 per cent of places in Catholic schools are given to non-Catholics says to me that there are not enough Catholic schools and that we should have a few more. To that extent, I very much support what was proposed earlier—I forget how many months ago now—that we should have an ability to create more Church schools. Later, I suspect, we shall turn to that matter, but I should like to see that process happening. What I do not like is parents who want a Church education for their child being excluded merely because they are, in a way, "sinners" or incapable of beliefs themselves.

That is my position on the matter. I do not understand how

**The Earl of Listowel:** I want to speak briefly to Amendment No. 175 under which admission forums would be established only,

"if requested by a majority of governing bodies of maintained schools in its area".

I recognise the truth of the words spoken by my noble friend Lord Alton about subsidiarity and the importance of self-determination for schools. Perhaps that point is answered by the fact that the admissions forums will have only an advisory role. I am concerned about the situation in which there appears a pocket of deprivation within an area. The majority of schools might be happy with the admission arrangements and only one or two schools might feel unhappy with them. I would like to seek clarity about that matter. Is it a reason why there should be an obligation on forming school forums?

**Lord Lucas:** Perhaps I may briefly reply to the right reverend Prelate. No, Church schools are not the problem but they could be an important part of the solution.

**Lord Brennan:** Perhaps I may ask the Committee's forgiveness for joining the debate 46 minutes after it started in order to make three short points. First, the debate has illustrated the sensitivity of the faith school issue. It requires any legislative clause or amendment which seeks to affect such institutions to be phrased with absolute clarity; to be produced in a way that provides for open debate about the fundamental issues; and not to be achieved, albeit with a notable

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objective of compromise, by an amendment such as this. I think that our debate has illustrated that fact. When this question comes up, the best debate will be the product of the intellectual rigour with which we look to the question of faith schools.

Secondly, this vehicle for seeking to assimilate, in so far as it can be assimilated, the faith school system into the national schools system is simply not successful. As an advocate of faith schools, I find it unacceptable that an advisory body which is the product of secondary legislation should be the vehicle by which the community determines how faith schools should best function in terms of admissions. That is a very poor route in the objective of the noble cause of the best education for the many.

Lastly, the noble Lord, Lord Lucas, will forgive me if I utter a note of incredulity; we have served on several committees together. The idea that faith schools should adopt the role of soaking up the unsatisfied educational needs of a nation by ever increasing their size and numbers because people want to send their children to them is a marvellous compliment to those schools; but the ingenuity of the idea should not relieve us of our common sense. There is a limit to what religions can provide and what faith schools can sustain. The primary obligation for education in this country was, is, and will be, with the state, either directly or by subventions to faith schools.

I admire the diplomacy and energy of the noble Baronesses, Lady Sharp and Lady Walmsley, but I regret that this particular amendment is not the right vehicle for the occasion which surely will come when we properly debate the role of faith schools in our education system.

**Lord Brooke of Sutton Mandeville:** I shall declare briefly my ecumenical interests. My great-grandfather was an Irish-Anglican cleric who became a Unitarian minister. My maternal grandfather was a canon in the Church of Wales. His son, my uncle, was a dean in the Church of England. His sister, my aunt, began as a Protestant missionary in Uganda, but ended up as a Carmelite nun in a closed order in Birkenhead via being Mother Superior of an order in Dundalk. My late noble kinsman was much involved in the Church of England preparations for the 1944 Act. Those are modest qualifications, but they are at least ecumenical.

I hesitate to be a squeaking wheel in terms of reference to a debate which occurred earlier in the other place, but it is quite useful as a text in following the speech of the noble Lord, Lord Brennan, with whose fundamental sentiments I agree profoundly.

In another place Clause 44 was discussed, but Mr Phil Willis, the spokesman for the Liberal Democrat Party—whom I greatly like—appeared to the rest of the Committee to be speaking to an amendment on Clause 45. He said: "Yes, I agree with that, but I wanted to make sure that the Government were going to raise this issue". The chairman said that the Committee would discuss the amendment concerned, Amendment No. 233, and asked the Minister, Mr Timms, whether he agreed.

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The following sentence is difficult to parse. Mr Timms said:

"Yes, I cannot assure the hon. Gentleman that the issue will be addressed in Government amendments, and it will be debated".—[Official Report, Commons, Standing Committee G, 10.1.02; col. 333.]

I have difficulty in following that particular sentence, but it gave the impression that the matter was going to be settled on Clause 45 and in Amendment No. 233.

It will come as no surprise to noble Lords to learn that Clause 45 was never reached in the Commons and so the anticipation of the Liberal Democrat spokesman was wholly foiled, despite the very long speech which he made in Committee on Clause 44. Therefore, it seems of extreme importance that the Committee reaches sensible, broadly based and wise conclusions because what we discuss will matter to many people across the country

hereafter, as I implied in an earlier remark.

I shall not make a long speech. As a loyal son of the established Church, I shall repeat the speech made in the 18th century by a man who, after Edmund Burke sat down, rose briefly and said, "Ditto to Mr Burke" and sat down. My Mr Burke is my noble friend Lord Pilkington and the right reverend Prelate the Bishop of Blackburn. I subscribe to the general sentiments they expressed.

I follow the noble Lord, Lord Brennan, in saying that because this issue is of such importance we have to reach wise and sensible conclusions in the same way as conclusions were reached in 1944. If we do not do so, we shall be in trouble. I am certain that we shall return to this subject.

**9.45 p.m.**

**Baroness Sharp of Guildford:** I should like to make two points. First, as drafted the clause emphasises that the admissions forums cover all maintained schools. Although they are their own admissions authority, in the primary legislation the admission forum is required to give advice to the voluntary aided schools which can then decide whether they wish to take the advice. In putting forward the amendment, we were well aware of that. The idea was that the admissions forum could be in a position to offer advice.

Secondly, the city technology colleges and academies are not part of the maintained sector in that sense. Therefore, they are not included on the face of the Bill within the remit of the admissions forum. Amendment No. 176 proposed that the city colleges be included within that remit. For the same reasons that I believe that there is a case for the Church schools to be included within the remit, there is a strong reason for including the city technology colleges.

**Baroness Ashton of Upholland:** I promised that I would not say this tonight because I have said it endlessly but it has been an interesting debate. Noble Lords have spoken with great passion.

On Amendment No. 175, our proposal for mandatory admission forums is in the Bill in order to make the school admissions process better for even

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more parents and children. We believe that every area will benefit from having a forum. We have seen from our consultation in England that 78 per cent of respondents agreed to some extent with our suggestions for mandatory forums. Many people have told us that forums would have a greater impact if every area had to have one and admission authorities were required to have regard to their advice.

Let me outline the important role that these forums will have. They will advise all admission authorities in their area, including the LEA, on admission issues as well as considering how well existing and proposed admission arrangements serve the interest of local parents and children. They will reach local agreement on new or controversial issues and broker arrangements for ensuring that vulnerable and challenging children and those who arrive in an area outside the normal admission round have fair access to local schools. We expect the core membership of admission forums to include representatives from headteachers and governors of foundation, community and voluntary maintained schools in the local education authority area.

We believe that these mandatory forums will improve the admissions process by ensuring

that there is real discussion and consensus between the key admission partners in an LEA area. Our view is that this is a matter of real importance and should no longer be voluntary.

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**[Amendments Nos. 209 and 210 not moved.]**

**Baroness Ashton of Upholland** moved Amendment No. 211:

Page 139, line 3, at end insert—

**"Diocesan Boards of Education Measure 1991**

13A In section 3 of the Diocesan Boards of Education Measure 1991 (1991 No. 2) (transactions for which advice or consent of Board is required), after paragraph (c) there is inserted—  
"(cc) consulting under section 89(2) of that Act about proposed admission arrangements for any school year;".

**The noble Baroness said:** I rise to move Amendment No. 211 and to debate Amendment No. 246 also in my name. The two amendments relate to the Diocesan Boards of Education Measure 1991 and have been agreed with the Church of England. Starting with Amendment No. 211, Section 89 of the School Standards and Framework Act 1998 requires admission authorities for schools to consult on their proposed admission arrangements for the following academic year. They must consult with all other admission authorities, including local education authorities, within a specified relevant area. They must take into account any representations made when reaching a final determination of their admission's policy.

Many governing bodies voluntarily consult the diocesan board but that is not a statutory requirement. Therefore, there is no formal mechanism for ensuring that a school has a say in admission to its schools. The General Synod Board of Education has asked the Government to amend the Diocesan Boards of Education Measure 1991 so that diocesan authorities can have greater influence in local decisions about admission arrangements for Church of England schools. By requiring governing bodies of these schools to consult with diocesan boards of education and to have regard to their advice, we can provide the Church with a means to encourage schools to fulfil their commitment to have more inclusive schools. I hope therefore that Members of the Committee will accept the amendment, which is supported by both the Church of England and the Government.

I turn to Amendment No. 246. I want to begin by acknowledging and welcoming the support of the Church of England for the academy's programme. The Greig Academy in Haringey, one of the first opening this September, is sponsored by a Church of England trust and by the London diocese. The diocesan authorities for Leeds and Liverpool are involved in plans for a Church of England and ecumenical academy respectively in those



local education authorities.

My noble and right reverend friend Lord Sheppard, who is not in his place, was kind enough to refer to the plans in Liverpool during his speech on Second Reading of this Education Bill. The Government have already provided in the Bill for Church of England academies to be added to the categories of schools which can benefit from funds held in uniform statutory

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trusts; a type of trust which holds the proceeds of sale of closed Church schools and allows for them to be used for other Church schools.

We are now bringing forward the amendment in response to a request from the Church of England. The Church has asked that the remit of the Diocesan Boards of Education Measure should be extended to academies with links to the Church of England. The DBEM gives diocesan authorities rights to advise, issue certain directions to and be consulted by Church of England schools. In practice, and for academies, that will mean under Section 2 of the DBEM the relevant diocesan board will be able to advise the governors of Church of England academies on any matter and promote Church of England academies within their area.

Under Section 3, the governing body of a Church of England academy would need to seek the advice of a diocesan board and have regard to that advice before disposing of any part of its premises. The trustees of a Church educational endowment held wholly or partly in connection with a Church of England academy would need to obtain the advice of a diocesan board and have regard to that advice before altering the purposes for which the endowment might be used. Where a diocesan board was satisfied that the trustees of any Church educational endowment held wholly for a Church of England academy was using the endowment in a way that was not in the best interests of the school, or the trustees were failing to discharge their functions, the board would have the power to direct the trustees on how to act and the trustees would have to comply.

I commend the amendment to the Committee and I beg to move.

**Lord Lucas:** It would be a great service to me and to the Committee if the Minister were to read the order as it will be amended. The order as it is available from the Printed Paper Office is completely incompatible with the amendment because, apparently, it has been amended so many times subsequently. While the Box has been extremely helpful to me, I do not have a copy with me and the amendment as it appears makes no sense as against the papers we are examining. If the Minister could say how the diocesan order will now read, that would be a great service to me and to other Members of the Committee.

**The Lord Bishop of Blackburn:** While that is being done, I rise to thank the Minister for her courtesy and to declare an interest as chairman of the Church of England Board of

Education. I was also the Bishop who steered the Diocesan Boards of Education Measure through the Synod and came to give evidence to the Ecclesiastical Committee of Parliament all those years ago. The noble Lord, Lord Lucas, is right in saying that the Measure has been amended to meet developing changes and circumstances in education, as the past 10 or 11 years have rolled by.

Amendment No. 211 is most important because it brings forward the fact that our Church of England schools are part of a family. Some of our earlier

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debates on "exclusive" and "distinctive" and so forth are greatly affected by that. Those Members of the Committee who were privileged to read last week's Times Educational Supplement will have seen a serious letter from the headmaster of a school in Bolton. He seriously disagrees with the policy of the board of education and has been trying to drive a wedge between its officer and myself as chairman, which is quite unworthy of the issue. The fact remains that we want governing bodies of Church of England schools to take account of the diocesan policy. I am therefore most grateful to the Minister for bringing forward Amendment No. 211.

Amendment No. 246 is a way of helping exciting developments to take place and ensuring the Church's continuing interest in the academy as it is. However, it also ensures that should the academy fail the rightful assets of the Church are returned for educational purposes, as though it were any other Church of England educational trust.

There are exciting developments to which the Minister referred, not least in Liverpool where the proposal for a joint Anglican/Roman Catholic academy is far advanced. But throughout the country, through the auspices of diocesan boards of education and other Church sponsored bodies such as the Church Schools Trust, interesting developments are coming forward. I am grateful that Amendment No. 246 will enable those to go forward with an underlying sense of the interests of the Church as the providing body to be preserved.

**Lord Alton of Liverpool:** I hope that it will help the right reverend Prelate to know that, following the correspondence he referred to in the Times Educational Supplement, I spoke today with a group of teachers from Church schools. They had seen that correspondence and wholeheartedly supported the position taken by the right reverend Prelate during our Committee proceedings. I have personally supported the position and have associated my name with a number of the amendments tabled by the right reverend Prelate in relation to these issues.

I was pleased that, like the Minister, he mentioned the initiative in Liverpool. I have been involved with that and have supported it and I pay great tribute to Bishop James Jones who spearheaded that initiative in the city. During the 30 years since I was first elected to

Liverpool City Council, I have been privileged to see such a terrific change in the relationship between the different denominations. I know that the noble Baroness, Lady Ashton, is also aware of the relationships developed between her noble friend, the right reverend Lord, Lord Sheppard of Liverpool, its former Bishop, and the late Archbishop of Liverpool, Derek Warlock. That has flowered in the continuing relationships between the leaders of the Churches, including the Moderator of the Free Churches and perhaps more importantly on the ground in a city which was once caricatured for sectarianism.

As recently as the 1950s, the two Bishops refused even to say the Lord's Prayer with one another because they did not recognise each other's orders. We have

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had our Orange Day marches to celebrate the crossing of the Boyne and the St Patrick's Day marches, too. Although some of the city's past has been disfigured by sectarianism, it is a model for the future and shows how far we have come and that it is possible for the Anglican and Catholic communities in that city to work closely together on education issues. Yes, differences will remain but that is not the point. Where people can stand together they should,

I want to pay tribute to the noble Baroness, Lady Ashton, for the way in which she has dealt with these issues throughout the proceedings of our Bill. It should not turn into a mutual admiration society and I am sure that it will not, but occasionally Ministers are entitled to be told how well they have done. I have frequently encountered Ministers who can be difficult or obdurate and who knock down any reasonable amendment simply because it was not one of their own Members who put it forward. I have noticed in the way in which the Minister has dealt with these sensitive questions throughout our proceedings a real willingness to involve all those who are affected by them and to try and find a rational and sensible way forward. This amendment provides an opportunity for putting that on the record.

**Baroness Blatch:** I rise to welcome any development in the academy programme. They are city technology colleges in all but name. They have been most successful and, although during our previous debate the noble Baroness said rather dismissively that she hoped there would be no more of them, there are to be more of them and with the Government's blessing. I welcome that.

I particularly welcome the Church's involvement with that, and even more particularly welcome the way in which the Anglican and Catholic Churches are working together. Indeed, they have worked together before, but in the academy's programme that is particularly welcomed.

Furthermore, I welcome the advent of the academy in Liverpool because it ought to have benefited from the first tranche of city technology colleges. Sadly, it did not although the

area was right for such experimentation at that time. It is late in the day but I welcome it.

I want to make two technical points. The first is to support my noble friend Lord Lucas, because reading the orders is most important. Although the legalese is complex and defeats most of us, they must make sense and I am not convinced at this stage that they do. Therefore, my noble friend with his eagle eye has made a valuable intervention which in a technical sense needs to be answered.

My other question is purely technical and relates to Amendment No. 246. My understanding is that when a third party, whether the Church or a private commercial venture, enters into an agreement to establish an academy, usually the ratio of the third party contribution to the Government's contribution is a relatively small one: in some of the academies it may be a £2 million capital grant, against many more

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millions put in by the Government. If at some future date the premises are disposed of, are the Government saying that all of the Government's input, together with the relatively small input of the third party—in this case the Churches—would fall to the Church of England?

6 p.m.

**Lord Dearing:** The remarks of the noble Lord, Lord Alton, prick my conscience. I am conscious that when the Minister rises to respond, she stands so frequently alone. Looking at the Benches behind her, I cannot recall many occasions when there has been overwhelming support—with notable exceptions, of course, including the noble Lord, Lord Peston, as he indicates.

I am grateful to the Minister for the first of the two amendments. I was involved in a report about the way ahead for Church of England schools in which my committee was concerned to endorse the principle of inclusiveness. We recommended in the report that all dioceses should adopt the policy, already employed by many dioceses, of offering guidance to schools on their admissions policy. This was against a background of encouraging greater inclusiveness in those schools where the policy was to admit Church of England pupils only—such schools are a small minority.

I have been much heartened by the line taken on this matter by the most reverend Primate the Archbishop of Canterbury and by the House of Bishops. The adoption of this amendment will help to encourage inclusiveness policies throughout Church schools.

I also pay tribute to the work of the Bishops in Liverpool. This is a triumph. The Church of England Synod, in its discussion of the report on the way ahead, specifically and strongly advocated an ecumenical policy—and here we have it, as a flagship. I hope that

it will serve as an example to many.

**Baroness Ashton of Upholland:** I was nearly overwhelmed for a moment. I, too, want to pay tribute to all that happens in Liverpool. I was involved in 1975 in the World Council of Churches events that took place. They were truly ecumenical; they were something of a novelty at the time and recognised fully the work of the two Bishops who became synonymous with Liverpool and with unity. I should pay tribute to the noble Lord, Lord Alton, for the part that he has played.

Perhaps I may quote from Section 3 of the Diocesan Boards of Education Measure 1991, and then state where the amendment fits in. I hope that that will help the noble Lord, Lord Lucas. The section deals with transactions for which advice or consent of the board is required. It reads as follows:

"(1) The governing body of any church school, and the trustees of any church educational endowment held wholly or partly for or in connection with any church school shall obtain the advice of the Board for the diocese in which the school is situated and shall have regard to that advice before—

"(a) publishing proposals for any prescribed alteration to the school under section 28(2)(b) of the School Standards and Framework Act 1998;

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"(b) publishing proposals for the discontinuance of the school under section 29(2) of that Act;

"(c) serving notice of an intention to discontinue the school under section 30(1) of that Act".

The amendment would insert a further paragraph:

"(cc) consulting after section 89(2) of that Act about proposed admission arrangements for any school year".

To return to the technical question asked by the noble Baroness, Lady Blatch, it was a very good technical question. I am afraid that I must write to the noble Baroness. I cannot answer it.

**Lord Lucas:** I am grateful to the Minister for that clarification. There is no paragraph (a), (b) or (c) in the original 1991 Measure, so one can become totally lost trying to find where the amendment fits.

This is very much where I had hoped that we should end up. Schools will have to pay attention to what the diocese says and we can berate the Bishops, at least for a few years yet, if the diocese is not saying things that we like.

I am encouraged, too, by the remarks of the noble Lord, Lord Alton, which seemed to

indicate without being specific that the Roman Catholic Church will follow along similar lines. I know that it has had its difficulties in the past with particular foundations which have not chosen to follow diocesan advice or indeed have said that diocesan advice is of no relevance to them at all. A few exceptions do not matter. What matters is that the broad thrust of religious education in this country is inclusive. I shall be delighted if this turns out to be the way it works in practice.

On Question, amendment agreed to.