



The Rt Hon Baroness Jacqui Smith

Minister for Skills

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House of Lords
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Tuesday 14th October 2025

Dear Lord Watson of Invergowrie, Baroness Thornton and Lord Lucas,

I am writing to you following my commitment during the debate on day 11 of the Children's Wellbeing and Schools Bill committee, in relation to amendment number 456 seeking to limit the use of faith-based admissions criteria to 50% in all new state funded faith schools opened after the commencement of the establishment of the new school clauses. I recognise in bringing this amendment you are seeking to ensure that schools are inclusive and play their part in building strong and cohesive communities, and that all children have access to a good education. This is a mission that this government shares and I hope this letter offers you reassurance about the impact of the bill.

It is not correct that Clause 57 of the Bill enables new voluntary aided or foundation schools to open for the first time since the 50% faith admissions policy for free schools was established 14 years ago. The Education and Inspections Act 2006 already allows proposers other than a local authority to put forward proposals for new voluntary or foundation schools which, if designated as faith schools, can choose whether to have faith-based oversubscription criteria for some or all places. Details can be found in the [Opening and closing maintained schools](#) guidance. According to data from the Get Information About Schools website, 18 new state funded foundation, voluntary aided and voluntary controlled schools with a faith designation have opened since January 2010 where the reason is given as new provision or to replace an independent school. The 50% faith admissions cap does not apply to these schools.

Clause 57 of the Bill will remove the current requirement under Section 6A of the Education Act 2006 for local authorities to invite only academy proposals where a need for a new school has been identified and instead allow them to invite proposals for more types of school, and to put forward their own proposals where they choose to do so. These changes better align local authorities' responsibility to secure sufficient school places with their ability to open new schools ensuring new schools are simply opened by the provider with the best offer for local children and families.

Nationally, primary pupil numbers are falling, with the secondary school population expected to peak around 2026. We would therefore expect many fewer new mainstream schools to be needed in the foreseeable future than over the last 14 years. Where there is need for a new school, local authorities will be required to consult appropriate parties. Feedback gathered through the consultation will be used to help formulate and finalise the local authority's specification for the new school to meet the identified need for new places.

Although clause 57 will enable faith groups to propose new voluntary aided or foundation schools when specifications are published, as I set out in the House, it is not an invitation by Government to significantly increase the number of faith schools. It will be for the relevant decision maker (the local authority, unless they have put forward proposals, in which case the DfE Regional Director) to decide which proposals submitted best meet local need. The procedure under clause 57 includes an opportunity for people to make representations about any proposals that have been published. Where concerns are raised in relation to specific proposals as part of this process, these can be taken into account by the decision maker.

Local authorities will also be expected to undertake an assessment of the impact of the proposal, both on existing educational institutions locally and in terms of impact on particular groups of pupils (and others) from an equalities perspective as well as its impact on community cohesion, taking account of the community that will be served by the school and the views of different groups within the community. Clause 57 does not prevent local authorities from approving proposals for academies which remain subject to the 50% faith admissions cap, or indeed non-faith schools, if that proposal provides the best offer for local children and families.

Inclusion and segregation

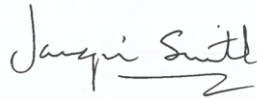
As I set out during the debate, this Government recognises faith schools as an important part of our diverse school system. However, we agree that, like all schools, they have an important role to play in securing community cohesion. Regardless of the admission policy set by the admission authority, faith schools remain subject to the same obligations as other state funded schools to actively promote the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance for those of different faiths and beliefs, and to teach a broad and balanced curriculum.

I note your concerns on the impact of faith-based admissions criteria on inclusion and social segregation. This is a complex area as there are many factors that influence the composition of pupil cohorts. It is not the case that all voluntary aided and foundation schools that are faith schools adopt oversubscription policies that allocate places on the basis of faith criteria. It is for the admission authority of the individual school to decide whether or not to adopt such arrangements. Some choose to prioritise only a certain proportion of their places with reference to faith in order to ensure places are available for other children regardless of faith, and some do not use faith-based oversubscription criteria at all.

It is also not true that all types of faith school are less diverse. Catholic Schools for example, which are typically voluntary aided or foundation schools and so are not subject to the 50% faith admissions cap, are amongst the most ethnically diverse type of school. The department's assessment of evidence suggests that the 50% faith admissions cap policy is not delivering more faith diversity in schools and has not been particularly successful in achieving high levels of ethnic diversity within faith free schools as originally intended. As measured by ethnicity data, the intake for free schools designated for minority faiths (Islam, Judaism, Sikhism and Hinduism) is largely made up of pupils of similar ethnic backgrounds. This is why it is important that we give local authorities the tools and flexibilities to ensure they are able to provide the places that parents want when there is demand.

Thank you again for taking the time to engage on these matters. I hope these further details have been useful and I will place a copy in the House libraries.

Yours sincerely,

A handwritten signature in black ink, reading 'Jacqui Smith', with a stylized flourish underneath.

The Rt Hon Baroness Jacqui Smith

Minister for Skills