



Westminster
FAITH DEBATES

A New Settlement: Religion and Belief in Schools

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The Westminster Faith Debates bring together leading academic and public figures to debate the latest research on religion and values. The debates have been funded by generous grants from the Arts and Humanities Research Council, the Economic and Social Research Council, and Lancaster University.

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PREFACE

This pamphlet arises from the research and debate carried out by the Westminster Faith Debates and the Religion and Society Research programme which gave rise to them. Both were supported by the Arts and Humanities Research Council, the Economic and Social Research Council, and Lancaster University, and we are most grateful.

It would not have been possible without the support and engagement of many people, some of whom we would like to acknowledge and thank by name.

Peta Ainsworth and Simon Reader have given consistent practical and intellectual support both in preparing this pamphlet itself and in organising two related events in our Westminster Faith Debates series:

- What's the Place of Faith in Schools?¹ which took place in London on February 22nd 2012
- RE for Real: A Consultation on Religious Education² which took place in Birmingham on February 4th 2015.

We would like to thank the large number of participants in these two events, including teachers and pupils, whose contributions informed this pamphlet.

We would also like to thank Alan Brine, Jane Brooke, James Conroy, Andrew Copson, Mark Chater, Adam Dinham, Brian Gates, Bill Gent, Bob Jackson, Joyce Miller, John Pritchard and Stewart Sutherland whose comments on a draft version of this pamphlet were extremely helpful. Teachers at the NATRE conference held in Bradford in May 2015 also gave valuable feedback. Of course we bear sole responsibility for the views and recommendations made here, and hope that they promote constructive discussion and change.

Charles Clarke and Linda Woodhead

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¹ <http://faithdebates.org.uk/debates/2012-debates/religion-and-public-life/richard-dawkins-faith-in-schools/>

² <http://faithdebates.org.uk/debates/re-for-real-religious-education/>

INTRODUCTION

Religion is an inescapably important aspect of our modern world. Even those who hoped that social and scientific progress would lead to the decline of any form of religious belief have to concede the continuing significance of religion. The most cursory examination of political and economic affairs today demonstrates the visibility and importance of religion and belief in the affairs of the world. This has increased after the end of the Cold War, which tended to inhibit and even suppress much of its impact.

That is true in England too, albeit less dramatically than in some other countries. The last twenty-five years have witnessed some of the most significant shifts in religious belief and practice since the Reformation, as traditional forms of religious authority, and uniformities of doctrine and practice, have given way to a much wider and more diverse range of religious and non-religious commitments.

In this period the churches' religious monopoly has been lost, other faiths have grown in strength and visibility, some elements in all the main religions including not only Islam but the churches are taking more radical 'counter-cultural' stances against a perceived secular mainstream, and there is a growing proportion of people who do not affiliate with any religious organisation, even though a majority of them are not atheist.³

Throughout these last seventy years the organisation and structure of schools has also changed very significantly, for example in the nature of the overall curriculum, and the reduced influence of local authorities.

Since 2006 the 'Religion and Society' research programme⁴ has been exploring these changes and trying to explain and understand what has been taking place. This culminated in the Westminster Faith debates,⁵ which began in the spring of 2012. They have tested the research findings in engagement with the practical experience of public figures actively engaged with matters of religion and belief.

One of the most important areas explored by the programme has been the recent

³ Linda Woodhead and Rebecca Catto (Editors), *Religion and Change in Modern Britain* London: Routledge, 2012

⁴ Details can be seen at <http://www.religionandsociety.org.uk>

⁵ These can be seen at <http://faithdebates.org.uk/category/debates/>

relationship between religion and education.⁶ There are many areas of controversy, including the place of ‘religious education’ in the curriculum, the practices of ‘faith schools’,⁷ and the operation of the statutory ‘wholly or mainly of a broadly Christian character’ act of collective worship.

It is clear to us that the educational settlement between church and state which was formalised in the 1944 Education Act, and reflected a different era, no longer serves its purpose. Indeed, as OFSTED and others have indicated, there are many areas of educational practice where the law is honoured more in the breach than the observance.

For example there can be a ‘nod and wink’ culture around the nature of the act of collective worship in school. The requirement that the act should be predominantly Christian, and possibly even promote a sense of ‘awe and wonder’, is sometimes honoured in form rather than substance. The status and quality of education about religion within schools is highly variable, and this, together with under-resourcing and controversy about the place of RE in the curriculum, have led to low morale. Some worry that aspects of the admissions procedures to some faith schools promote dishonesty in religious observance by families and children in a way that is distasteful at best.

More generally, energy is constantly being diverted from serious thought about the values and qualities which education should be fostering in citizens, and how best to proceed in that respect as society changes.

Overall, the whole area of religious education has suffered from being treated very differently from other subjects. Sometimes it has been treated as less important, sometimes as more important. It has been freighted with too little significance or too much. The consequences have been negative and have inhibited reform. We believe that the subject should be put on a similar footing to other subjects, and no longer treated as the exceptional case.

The issues around the place of religion in schools are not going away. Indeed they are rising up the political and educational agenda as it becomes clear that the way in which religion is being dealt with in schools is not meeting the needs of our time.

This is why we think there is value in re-examining the post-1944 educational settlement between state and church in England in the light of contemporary beliefs and practices, illuminated by the latest research. On this basis we propose a new

⁶ The particular debate on education is at <http://faithdebates.org.uk/debates/2012-debates/religion-and-public-life/richard-dawkins-faith-in-schools/>

⁷ For reasons we explain in the subsection on Faith Schools below, we have decided to use this somewhat loaded term. We take care to explain exactly what it includes in that same subsection.

educational settlement which can better foster genuine understanding of modern religion and belief, and allow young people better to explore their own and other peoples' religious and non-religious beliefs and come to their own conclusions.

We should make it clear at the outset that we do not agree with those who urge that religion can somehow be excluded from public life and should therefore play little or no part in the state education system. We observe that the place of religion in the political and social and public life of countries such as France, with its historic tradition of 'laïcité', or the USA, with its constitutional requirement of religious neutrality, is a reflection of the circumstances and position of the churches in the 18th century rather than today. Such constitutional bars have not in practice reduced the significance of religion in the national and political lives of those countries.

In the current situation, such secularist or 'separationist' approaches risk reducing general religious literacy and good state-religion relations at a time when they are most urgently needed.⁸

At the same time, we believe that secular humanism and other non-religious philosophies, 'life stances' and forms of belief and commitment are entirely legitimate, and should be respected and treated in the same way as religion within the education system. This is given added importance by the fact that roughly equal numbers of younger people in Britain today report having 'no religion' as report having a religion.⁹

We have decided to restrict our focus on these issues to England. It is tempting to discuss the situation in the different environments of Wales, Scotland and Northern Ireland, but the legal powers in general lie with the devolved Parliament and Assemblies, and the historical and current situations are very different. Specific consideration needs to be given to these, and recommendations would vary from those relevant to England. We have however made some references to comparable practices in Scotland.

In light of recent concern about the way in which some independent schools are dealing with these matters, we consider the position of independent schools. We have not, however, ventured into discussion about higher or further education, except in relation to compulsory Religious Education.

⁸ E.g. Dinham and Francis 'Religious Literacy in Policy and Practice' <http://www.policypress.co.uk/display.asp?K=9781447316657&sf1=keyword&st1=Religious+literacy+in+policy+and+practice&m=1&dc=1>

⁹ See Woodhead, 'No Religion' is the New Religion', <http://faithdebates.org.uk/wp-content/uploads/2014/01/WFD-No-Religion.pdf>

The 2015 Pew Projections for religion worldwide predict that by 2050 Christians will be a minority in the Britain at 46% of the population, that 'Muslim' will rise to 11%, and that 'unaffiliated' will rise to 39%. http://www.pewforum.org/files/2015/03/PF_15.04.02_ProjectionsFullReport.pdf

We hope that this pamphlet will stimulate discussion about what might be the appropriate modern educational relationship between religion and state in England today, and what consequent changes might be needed in law and practice.

We conclude this pamphlet with a series of recommendations, covering the act of collective worship, the curriculum, and the future of faith schools. These are different subjects, though they are related. Reform in relation to each area needs to be tackled in different ways, and at different paces. We do not envisage one ‘big bang’ transformation, but we think that reform in all these areas is necessary, that there are common principles behind such change and linkages between various elements, and that a holistic approach can therefore be useful in approaching the updating of the overall relationship between religion and schools.

Our conviction, reinforced by the research on the ‘Religion and Society’ research programme, and by the Westminster Faith Debates, is that the time is ripe for a new relationship, and that education, religion, and wider society will benefit.

HISTORY

For centuries religious institutions were the main means of generating and transmitting knowledge. They were society's researchers, educators and trainers. They founded the first universities and schools.

The state began to play more of a role in the 19th century, notably through the Forster Education Act of 1870 and then the Balfour Education Act of 1902, which established a universal mass system of education from ages 5 to 13, and gave local education authorities (LEAs) the responsibility to carry this through in practice.

Our current school system was established by R. A. Butler's Education Act in 1944,¹⁰ widely viewed as a progressive and codifying piece of legislation. It gave local education authorities a key role, and established the so-called 'tripartite system' of secondary schools: grammar, secondary technical and secondary modern.

1944 Act

For the purposes of this discussion, the significance of the 1944 Act lay in the compromise agreement which was reached between the state and the main Christian churches in the UK concerning the place of religion in modern schools. This reaffirmed the principle of the 'Dual System': a partnership between government and churches in providing the nation's education system. This hard-fought outcome has endured ever since.

Section 25 of the Act dealt with religious education. This was the term used to cover both what was then called 'religious instruction' and the act of collective worship. At the time the two were closely linked, though this has now changed.

On collective worship (or 'school assemblies') the Act said:-

The school day in every county school and in every voluntary school shall begin with collective worship on the part of all pupils in attendance at the school, and the arrangements made therefore shall provide for a single act of worship attended by all such pupils unless, in the opinion of the local

¹⁰ http://www.legislation.gov.uk/ukpga/1944/31%20/pdfs/ukpga_19440031_en.pdf

education authority or, in the case of a voluntary school, of the managers or governors thereof, the school premises are such as to make it impracticable to assemble them for that purpose.

And on 'religious instruction' (sic):-

religious instruction shall be given in every county school and in every voluntary school.

Section 25(4) gave parents the right to withdraw their children from attendance at religious worship and religious instruction:-

If the parent of any pupil... requests that he be wholly or partly excused from attendance at religious worship in the school, or from attendance at religious instruction in the school... the pupil shall be excused from such attendance accordingly.

Section 29 established the framework for establishing Agreed Syllabus Conferences (ASCs) which were responsible for setting the Religious Education syllabus in their locale (there being no national syllabus) and permitted Local Education Authorities to establish Standing Advisory Councils on Religious Education (SACREs):-

A local education authority shall have power to constitute a standing advisory council on religious education to advise the authority upon matters connected with the religious instruction to be given in accordance with an agreed syllabus and, in particular, as to methods of teaching, the choice of books, and the provision of lectures for teachers.

Significantly this was only an enabling power, and only a small number of LEAs established SACREs until this was made compulsory in 1988.¹¹ In general ASCs and SACREs sought to reflect local religion and belief though some were banner carriers for differing ideological approaches to RE in schools.

The parts of the 1944 Act dealing with 'religious instruction' were the only parts which dealt with any aspect of the curriculum. This was necessary because of the importance of the church contribution to the new education system, the complex and difficult negotiations between the government and the churches about religion's place in the maintained education system, and the extent to which the state might influence or control church schools, all of which had to be incorporated in the Act itself.¹²

¹¹ Some local education authorities had SACREs before 1944, the oldest dating from the beginning of the 20th century.

¹² These negotiations are well covered on pages 39-48 of Michael Barber, *The Making of the 1944 Education Act* London: Continuum, 1994. Barber later became Tony Blair's Chief Education Adviser after 1997

Sections 8 to 16 of the Act established the framework of ‘voluntary-aided’, ‘voluntary-controlled’ and ‘special agreement’ church schools. Requirements differed in relation to funding, governance, employment of teachers, admissions, and the curriculum, dependent upon the precise relationship with the foundations which had established each school, and the church which supported them. The Roman Catholic Church was particularly concerned to maintain a significant degree of control over its schools.

Sections 70-71 of the 1944 Act required all independent schools to be registered, with suitable school premises and adequate accommodation; the proprietor and every teacher was required to be ‘a proper person’, and ‘efficient and suitable instruction’ had to be provided.

This legal framework, though modified later, most notably in 1988, remains the fundamental basis for religion’s place within school education today¹³. It reflects an era in which the churches, especially the Church of England and the Roman Catholic Church, had dominated education.

1988 Act

The 1988 Education Reform Act¹⁴ established a ‘National Curriculum’ which covered Key Stages 1-4 of education from ages 5-16.¹⁵ This was the first time, other than in relation to religion, that the law specified the curriculum schools had to cover.

Section 2 stated that the basic curriculum must include:-

- (a) provision for religious education for all registered pupils at the school; and
- (b) a curriculum for all registered pupils at the school of compulsory school age (to be known as ‘the National Curriculum’).

Note that the reference is to ‘religious education’, not the ‘religious instruction’ of the 1944 Act, and that the requirement to provide religious education is distinct from the requirements of the national curriculum.¹⁶

One of the reasons that Religious Education was excluded from the National

¹³ Rob Freathy and Stephen Parker publish an interesting account of failed efforts to review this settlement in 1969 /70 in the *Journal of Beliefs and Values* (June 2015)

¹⁴ http://www.legislation.gov.uk/ukpga/1988/40/pdfs/ukpga_19880040_en.pdf

¹⁵ Key Stage 1 covers ages 5-7, Key Stage 2 ages 7-11, Key Stage 3 ages 11-14 and Key Stage 4 ages 14-16. Key Stage 5 covers ages 16-19.

¹⁶ Indeed the 1988 Act implemented specific changes in legal wording to substitute ‘religious education’ for ‘religious instruction’. Note particularly Schedule 1 to the 1988 Act:

http://www.legislation.gov.uk/ukpga/1988/40/pdfs/ukpga_19880040_en.pdf

Curriculum was because of concerns that the right to withdraw from religious education, established in the 1944 Act, should not apply to any part of the National Curriculum.

The requirement that religious education is provided applies to all students in school, including those over the age of 16, but not to those in further education colleges.

Section 3 stated that the core subjects in England are mathematics, English and science, and that the other foundation subjects are history, geography, technology, music, art and physical education, and at Key Stages 3 and 4 a modern foreign language. There were subsequent modifications, including the addition of citizenship, but Religious Education has never been part of the national curriculum.

Section 6 specified that the act of collective worship could now take place in smaller groupings than the whole school, and at more varied times, rather than necessarily in whole-school assemblies as before.

Section 7 stated that the collective worship shall be ‘wholly or mainly of a broadly Christian character reflecting the broad traditions of Christian belief without being distinctive of any particular Christian denomination.’ This precise formulation followed a lengthy and acrimonious debate in the House of Lords, which repays study for those interested in the mood of the times.¹⁷

Section 8 stated that for religious education within the basic curriculum:-

Any agreed syllabus... shall reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in Great Britain.

Other than these, the main school organisational changes established by the 1988 Act were the establishment of grant maintained schools - directly funded by central government - and ‘local management of schools’. These significantly eroded the authority of the LEA, with some consequential impact upon faith schools, but did not otherwise significantly change the structure of schools established in 1944.

In 1992 the Education (Schools) Act¹⁸ established OFSTED and a national and open system of inspection of most aspects of school life. An important general requirement was Section 2(d) of the Act which required Her Majesty’s Chief Inspector of schools to keep the Secretary of State for Education ‘informed of the spiritual, moral, social and cultural development of pupils’.

Under this Act, OFSTED inspects religious education in all state schools, although

¹⁷ <http://hansard.millbanksystems.com/lords/1988/jun/27/education-reform-bill>, and related Hansard links

¹⁸ http://www.legislation.gov.uk/ukpga/1992/38/pdfs/ukpga_19920038_en.pdf

Section 13 set up special arrangements for the inspection of ‘denominational education’, i.e. religious education given otherwise than in accordance with an agreed syllabus. This allowed the governors of some faith schools to make their own arrangements for inspection of this aspect of their educational provision.

2004 and later

Though the essential legal framework for the religious education curriculum remained in place after 1988, it was significantly qualified in 2004 by the publication of a non-statutory national framework for religious education¹⁹ which had been prepared by the Qualifications and Curriculum Authority on behalf of the then Secretary of State for Education and Skills, Charles Clarke, with the support of a steering group consisting of a wide range of faith and belief communities and professional organisations. This was designed to provide a non-statutory national, clear and appropriate framework for the Religious Education syllabus, agreed by the main religions (and humanists). Some hoped that over time this could develop into a statutory national agreed syllabus, to replace the locally agreed syllabuses which obviously varied from locality to locality (though there were also many similarities).

As far as independent schools were concerned, the system of inspection was broadened by the 2008 Education and Skills Act.²⁰ This widened the inspection basis established in 1944 to include the ‘spiritual, moral, social and cultural development’ and ‘welfare, health and safety’ of students.

Since 2010, a wider system of academies and free schools has developed, though it is still not dominant, particularly in the primary sector. It does, however, confirm the diminishing role of local authorities in the provision of education, and represent a further retreat from the idea of a ‘national’ curriculum as established in 1988.

Overall, the history of religious education in schools since 1944 can best be read as a series of piecemeal amendments and accommodations to the 1944 settlement between church and state, in particular in relation to the act of collective worship, the place of religion in the curriculum of all schools, and the involvement of faiths in the organization of schools. By 1988, few would have seen collective worship as a part of religious education, and some supported religious education but not the act of collective worship to which it was once related.

¹⁹ http://webarchive.nationalarchives.gov.uk/20090903160937/http://qca.org.uk/library/Assets/media/9817_re_national_framework_04.pdf

²⁰ http://www.legislation.gov.uk/ukpga/2008/25/pdfs/ukpga_20080025_en.pdf

We suggest that today, seventy years after the historic 1944 agreement, it is time for a fresh settlement which reflects the very substantial changes which have taken place in both the practice of religion in England and the nature of our school system. Such a settlement needs to address these significant changes, and to find the best way of equipping schools to educate young people so that they are prepared for life now and in the future.

SCHOOLS TODAY

This is a brief statistical description of schools in England today, including the place of faith schools in the English education system.

It is helpful to begin with a summary of findings about religion in England and Wales from the 2011 Census:-²¹

Christianity was the largest religion, in terms of the number identifying as 'Christian', with 33.2 million people (59.3% of the population). Muslims made up the second largest religious group with 2.7 million people (4.8% of the population).

14.1 million people, around a quarter of the population in England and Wales, reported having 'no religion'.

The religion question was the only optional question on the Census and 7.2% of people did not answer the question.

Between 2001 and 2011 there has been a decrease in people who identify as Christian (from 71.7% to 59.3%) and an increase in those reporting no religion (from 14.8% to 25.1%). There were increases in the other main religious group categories (Muslim, Hindu etc.).

Additional research carried out by the Religion and Society Programme and for the Westminster Faith Debates suggests that these shifts towards (a) greater religious diversity and (b) a higher proportion of religiously unaffiliated people, are likely to continue. In the process, belonging to a religious group will become less common than being religious, spiritual or non-religious outside of traditional institutional frameworks. The influence of traditional religious authorities is likely to continue to diminish, and the authority of personal choice and new, more disorganised, forms of authority is likely to grow. The influence of more conservative and 'fundamentalist' elements of religion relative to less activist liberal or 'moderate' majorities is also likely to increase.

²¹ http://www.ons.gov.uk/ons/dcp171776_290510.pdf

Numbers and distribution of faith schools

The term ‘faith school’ is relatively recent. It is understandably rejected by many since it is seriously misleading insofar as it homogenises this hugely diverse category of schools. Moreover, the term has often been associated with minority faiths and controversies associated with them, but also applies to the far larger number of schools of all Christian denominations which are part of the school system. Some argue that ‘schools with a religious character’ is a less loaded way of speaking about this domain of schools. Whilst we acknowledge the limitations of the term ‘faith schools’, we have decided to use it because of its simplicity and currency, but to spell out what it includes. We also note some indications that the churches and/or governing bodies may be beginning to give greater emphasis to the faith element of the schools in their care.

The table below is based on the Department for Education’s Statistics First Release (SFR 15/2014, Table 2c).²²

Table 1: SCHOOLS OF DIFFERENT CATEGORIES

	Primary	Secondary	Total State	Independent
Total (24,347)	16,788	3,329	20,117	2,411
Of which:-				
No religious character	10,577	2,696	13,273	
% non-faith schools	63% primary	81% secondary		
% Faith schools	6,211	633	6,844	
% faith schools	37% primary	19% secondary		
Of which:-				
CofE	4,394 (VC 2,235)	207 (VC 26)	4,601	1,000
Catholic	1,662	324	1,986	150
Other Christian	101	77 (VC51)	178	
% Christian schools	99.1% primary	96.1% secondary		
Jewish	36	12	48	60
Muslim	9	9	18	140
Sikh	5	3	8	
% non-Christian schools	0.9% primary	3.9% secondary		
Other	4	1	5	

²²https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/335176/2014_SPC_SFR_Text_v101.pdf

These categorisations are not always straightforward and the recent development of ‘academies’ (which includes all ‘free schools’) complicates the situation further. For example, the table includes about 400 free schools which are either open or have been approved, and whose number may double in the next 5 years.

A number of immediate conclusions can be drawn which provide a helpful sense of perspective when considering the often controversial issues which arise in debates about faith schools.

- (1) 37% of all state primary schools and 19% of all secondary schools in England are faith schools. They have roots in every community in England. This is a reflection of the historical origins of our faith schools, as described above. The fact that these proportions remain so large means that any serious reform would be a major educational and political undertaking. This is not itself an argument against reform but is a serious factor to be taken into account when considering it. It helps to account for the previous reluctance to make changes.
- (2) The flip side of those figures is that 81% of all state secondary schools, and 63% of state primary schools do not have a religious character, i.e. are not faith schools. The overwhelming majority of children are educated in state schools with no religious character. What happens in regard to religion in these schools is by far the most important dimension of any discussion about the place of religion in education, simply because of the number of children involved.
- (3) The churches dominate the state faith school sector: 99.1% of all faith primary (state) schools and 96.1% of all faith secondary (state) schools are Christian in character. The proportion of non-Christian faith state schools is tiny.

Types of faith school

Faith schools within the state system, where no student pays fees, fall into two broad categories in both of which the school building and site are owned by the church, foundation or trust.

In the first (‘voluntary controlled’) the local education authority funds repairs and capital projects and appoints a majority of the governing body, though the church appoints some governors. The local education authority employs the teachers and is also the admissions authority. Nearly all voluntary controlled schools are Church of England, but Religious Education normally follows the local agreed syllabus, like other local schools. The acts of collective worship vary from a very Christian focus to broadly inclusive.

In the second category (‘voluntary aided’) the governing body raises the cost of repairs and capital projects with 90% grant from the government. Most Catholic,

Jewish, Muslim, Sikh and Hindu schools are voluntary aided. The sponsoring religious body appoints a majority of the school governors, and the governing body appoints and employs the teachers. The governing body is the admissions authority. Religious education and worship follow the practice of the sponsoring faith.

There is also a group of schools, 'Foundations with an Anglican trust' and 'Academies designated as having Church of England character' which are similar to voluntary aided schools except that the foundation or Trust owns the school. The trustees of Academies provide some set-up capital, and the government provides revenue and continuing capital funding. The church appoints only a minority of governors. In some schools Religious Education follows the locally agreed syllabus, though in others Religious Education and worship are distinctively Anglican and may follow a syllabus specified by the Diocese, though not usually in a strongly confessional sense.

It can be seen from the above description that 'voluntary controlled' faith schools are similar to local authority community schools in relation to school admissions policy, employment of teachers, the Religious Education curriculum and general funding, although they might have a Christian ethos. Like Anglican Foundations and Academies, they do not usually have a strongly confessional character though they are expected to have a distinctively Christian character and are inspected accordingly.

Overall, 76.3% of all English state primary schools and 83.3% of all English state secondary schools either have no religious character or are 'voluntary controlled'. In practice these 'faith schools' are not all that different from non-faith schools.

There are no 'voluntary controlled' Catholic and Jewish Schools, but 87.4% of all Church of England secondary schools, 49.1% of Church of England primary schools, and 33.8% of 'Other Christian' secondary schools are not 'voluntary controlled'.

In addition to the state schools described above there are about 2,400 independent schools in England of which approximately 1,000 have a Church of England ethos. There are about 140 Muslim independent schools in the UK, mainly affiliated to the Association of Muslim Schools,²³ which acts as an umbrella body for registered Muslim schools in the UK, including 13 state-funded Muslim schools.

Although not state schools, there are also around 700 unregulated madrassas in Britain, attended by approximately 100,000 children of Muslim parents. These are essentially supplementary schools, in principle not dissimilar from Christian Sunday schools and Hebrew schools, which many children attend in addition to their other day school. The leader of the Muslim Parliament of Great Britain has called for them to be subject to government inspection following publication of a 2006 report that found some instances of physical and sexual abuse.²⁴

²³ <http://ams-uk.org/>

²⁴ <http://www.theguardian.com/education/2006/mar/22/schools.uk1>

ACT OF COLLECTIVE WORSHIP

Legal guidance

The most recent non-statutory guidance for schools concerning the Act of Collective Worship²⁵ was Circular 1/94 which was published more than 20 years ago, on January 31st 1994.²⁶ Its introduction states:-

All maintained schools must provide religious education and daily collective worship for all registered pupils and promote their spiritual, moral and cultural development....

Collective worship in county schools and equivalent grant-maintained schools must be wholly or mainly of a broadly Christian character, though not distinctive of any particular Christian denomination.

The parental right of withdrawal from RE and collective worship and the safeguards for teachers are unchanged.

Information and inspection requirements apply to RE and collective worship.

The Department for Education website republishes at the 'Ethos' section of its website this same 20-year old advice to guide contemporary practice.²⁷ No other piece of departmental advice is as outdated, and of course the fundamentals were established in 1944, since when there has been minimal amendment.

Paragraphs 50-88, and Annex G of this guidance set out interpretations and information about 'worship', as opposed to 'assembly', the right to withdraw, how the worship may be organised, the meaning of 'Christian' etc. Some have described this guidance as 'disastrously muddled',²⁸ since in certain paragraphs (notably 57, 59 and 63 on page 21) it appears to license a confessional act of Christian worship, which only practising Christians could undertake.

²⁵ There is a distinction between 'corporate' and 'collective' worship. The former is that of a community of shared religious beliefs and the latter an educational gathering wherein differences in belief are acknowledged and appreciated.

²⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/281929/Collective_worship_in_schools.pdf

²⁷ <https://www.gov.uk/government/collections/departmental-advice-schools#ethos>

²⁸ Private correspondence

In 1997 a substantive consultation was organized by the RE Council of England and Wales, the National Association of SACREs and the Inter Faith Network for the UK.²⁹ This came close to arriving at a politically viable consensus for an alternative, but was challenged by a ‘last-minute rearguard action’³⁰ and so no change took place. Circular 1/94, despite its inadequacies, remained in force.

Since 2012 the status of Circular 1/94 has become even more confused. The National Association of Standing Advisory Councils on Religious Education (NASACRE) and the Association of Religious Education Inspectors, Advisors and Consultants (AREIAC) wrote to the Secretary of State for Education in March 2012 suggesting that Circular 1/94 should be withdrawn. NASACRE and AREIAC subsequently issued a statement in October 2012, stating that:

In the course of this correspondence it has been made clear that 1/94 has no legal or semi legal status, nor does the Circular have a quasi-legal status. It does not represent the Government’s official advice on collective worship which schools are in some sense obliged to follow. Officials state that in this area local determination is a key strength and for this reason all schools and Academies can choose whether or not to use the Circular.

However no action was taken to withdraw the Circular, which remains on the Department of Education website. Indeed the government’s most recent guidance on the curriculum, issued in December 2014 states quite bluntly and without qualification: ‘All state schools are also required to make provision for a daily act of collective worship’.³¹ In any case it is difficult to see how the withdrawal of government guidance, without any replacement, could moderate the letter of the law.

In April 2004 the then Her Majesty’s Inspector of Schools, Sir David Bell, gave a lecture which included reflections on the then state of the act of collective worship, during which he reported that 76% of secondary schools were failing to meet their legal requirements.³² More recently, in 2011, a ComRes poll commissioned by the BBC found that only 28% of pupils attended daily worship at their school, and 60% of the public did not think the requirement to provide a daily act of worship should be enforced.

The two most recent reports from OFSTED on Religious Education - ‘Transforming religious education’ in June 2010³³ and ‘Realising the Potential’ in

²⁹ http://www.cstg.org.uk/wordpress/wp-content/uploads/2012/06/culham_cw_reviewed.pdf

³⁰ Private correspondence.

³¹ <https://www.gov.uk/government/publications/national-curriculum-in-england-framework-for-key-stages-1-to-4/the-national-curriculum-in-england-framework-for-key-stages-1-to-4>

³² <http://www.theguardian.com/education/2004/apr/21/ofsted.schools>

³³ <http://webarchive.nationalarchives.gov.uk/20141124154759/http://www.ofsted.gov.uk/sites/default/files/documents/surveys-and-good-practice/t/Transforming%20religious%20education.pdf>

October 2013³⁴ - do not analyse the observance and educational impact of the requirement for an Act of Collective Worship in schools, no doubt because collective worship is seen as distinct from religious education.

Similarly, the March 2014 report ‘Schools with Soul, A new approach to Spiritual, Moral, Social and Cultural education (SMSC)’³⁵ from the Royal Society of Arts calls for innovatory approaches to SMSC but makes no suggestion that the requirement for an act of collective worship has any positive role to play.

The reality is that the legal regime is both unclear and more honoured in the breach than the observance. An unhealthy culture of confusion and, in some cases, even institutional dishonesty, exists as OFSTED and schools try to justify their practices in this area. In policy terms the act of collective worship has become a marginal issue which no one sees much value in addressing. We contest that view and think that there is a need to reach a more appropriate and well-founded settlement.

The Options

We need a healthy and up-to-date legal framework which reflects modern religious and educational life and practices.

There are four options:-

- (1) Maintain the current law, guidance and formal arrangements but for all practical purposes treat it as a dead letter, effectively unenforced and probably unenforceable. This is broadly the current situation.
- (2) Maintain the current law, guidance and formal arrangements and put great effort into forcing schools to honour them.
- (3) Maintain the statutory requirement for some form of assembly which would promote spiritual, moral, social and cultural development, prefigured in the 1944 legislation and reinforced in the 1988 Education Act.³⁶
- (4) Abolish the statutory requirement altogether and leave the issue to governors and heads of every school to decide what is appropriate for the particular circumstances of their own school, subject to non-statutory government guidance and inspection by OFSTED.

³⁴ <http://webarchive.nationalarchives.gov.uk/20141124154759/http://www.ofsted.gov.uk/sites/default/files/documents/surveys-and-good-practice/r/Religious%20education%20%20realising%20the%20potential.pdf>

³⁵ <http://www.thersa.org/action-research-centre/learning-cognition-and-creativity/education/reports-and-events/reports/schools-with-soul#download-report>

³⁶ The Executive of the Religious Education Council made a similar proposal to the Secretary of State for Education at the time of the 1988 Act.

We consider each of these options, first (1) and (2), then (3) and (4).

Maintaining the current law

As already observed, the existing law and associated arrangements reflect an era of religious practice and belief which is now long gone. There have been many significant changes in religion and belief, including decline in the number of people regularly worshipping at Christian church services, growth in the number and visibility of non-Christian religions, and a rise in the number of people describing themselves as non-religious and/or 'spiritual' rather than 'religious'.³⁷ Christian commitment has declined with each living generation and of course its nature has also changed.

The current legal requirement for a daily act of collective worship has remained in place whilst all this has happened. That seems to show that it has done little or nothing to affect this process of change. Indeed it has even been argued that the inadequate nature of the experience of religion in schools (and possibly universities and colleges as well) may have had an impact in reducing traditional religious practice.

There is no reason to believe that maintaining the current legal requirement for the act of collective worship would do anything at all to reverse the direction of the changes in religious practice which have been taking place. And there is little doubt that the widespread failure of schools to meet the requirement of the law would continue, and probably deepen.

The first option of leaving the law in place, but as a dead letter, therefore offers no gains in long-term stability, and will continue to bring the law into disrepute and inhibit the efforts of those who want to approach religion and belief in a more creative and positive way.

The second option, of a government-led effort to enforce the law more rigorously, so that more schools fulfil their legal obligations, would highlight clashes of conscience and belief. This would certainly be damaging, and possibly even explosive, in certain environments.

So there seems to us no merit in maintaining the current legal requirement for collective worship, either from the point of view of encouraging spiritual, moral, social and cultural development, or of promoting knowledge and understanding of religion and belief in today's world. Instruction in a particular faith for those

³⁷ Woodhead and Catto, *Religion and Change in Modern Britain*, op cit.

parents who desire that for their children is often best done in the family and community, perhaps reinforced by supplementary education, such as Sunday schools or madrassas (though there may be some issues of regulation here).

Alternative approaches

If the law is not to fall further into disrespect and disrepute, the choice is between the third and fourth of the above options: either modifying the legal requirement for collective worship to permit individual schools to conduct assemblies in a way which reflects their circumstances, or abolishing the requirement altogether.

In our view, there is a very good case for both, though on balance we favour removing the requirement altogether and so repealing those parts of legislation which require schools to provide daily acts of collective worship.

The value of assemblies in school, at least for some part of every week, is widely recognized. There are of course practical issues about school size, diversity of the school population, teacher beliefs, timetable requirements and so on which provide genuine constraints. But in principle, there is widespread support for the significant social, educational and cultural value of such assemblies.

For example, a great deal of good work has been done to develop larger assemblies which offer things that are difficult to achieve in the classroom, such as genuinely reflective time, imaginative means of communication, and opportunities for student input and student-led events in a collective setting.

We strongly support the widely held view that it is important to provide for the spiritual, moral, social and cultural development of today's pupils and offer a creative space in which to debate, discuss and learn as well as to reflect or worship on the qualities that make us human, particularly with the broadening of Britain's religious and cultural identity. Communal school assemblies contribute significantly to this and can be used in ways which fit into the environment of which schools and pupils are a part.

The case for this element of school life is becoming stronger all the time in the midst of the wider pressures of the world, and there is widespread support for an approach to assemblies which is much broader and more flexible than that permitted by the current legislation.

In July 2014 the then Bishop of Oxford, the Rt Revd John Pritchard, who was then Chair of the Church of England's Board of Education, said in an interview with BBC Radio 4:

I think the problem is with the word ‘worship’. It worked in the 1940s and so on, but worship is by definition a voluntary activity, and I think it may be better to reframe the discussion, and to call this time that we are discussing spiritual reflection ... I think this reframing in terms of spiritual reflection might be helpful, might liberate schools if we reframe what we are doing, informed by Christian values.

It is also interesting to note that at the end of 2013 first the Church of Scotland alone,³⁸ then jointly with the Humanist Society of Scotland in January 2014,³⁹ called for a change in the law to allow the statutory requirement for religious observance in schools to be renamed ‘Time for Reflection’.

If it were thought essential to lay down a statutory obligation for a daily school assembly of this type (as opposed to our preference for leaving individual schools to make their own decisions), the current legal requirement could be amended from:-

All pupils in attendance at a maintained school shall on each school day take part in an act of collective worship... the collective worship required in the school shall be wholly or mainly of a broadly Christian character...and is of a broadly Christian character if it reflects the broad traditions of Christian belief without being distinctive of any particular Christian denomination.⁴⁰

to another formulation, for example:-

All pupils in attendance at a maintained school shall on each school day take part in a period of reflection which addresses their spiritual, moral, social and cultural development.

This is a sensible approach but we believe that it does bring with it a further important difficulty which is that any new statutory wording would itself be bound to stimulate significant debate with difficulties of definition and interpretation in practice. That is the inevitable consequence of trying to specify this requirement in legally-binding language. Indeed an important reason why change has not been seriously considered in this area for so long is that such controversies tend to generate far more heat than light and can be quite divisive. The 1988 Lords debate on this is a good illustration.

Moreover the parliamentary debate about this change would be likely to raise

³⁸ http://www.churchofscotland.org.uk/news_and_events/news/archive/articles/2013/reflection_time_in_schools_shows_what_we_can_learn_together

³⁹ <http://news.stv.tv/politics/261833-church-of-scotland-and-humanist-society-issue-schools-reflection-call/>

⁴⁰ Sections 7 and 8, Education Reform Act 1988

debates about whether all schools, including independent schools, should be under a similar legal requirement.

We believe that a far more effective and more productive way of making the necessary change is to remove the requirement in law and replace it with non-statutory guidance and the duty of OFSTED to inspect this aspect of every school.

We do appreciate that many are worried that removal of any legal requirement for some form of assembly would lead to a decline in school assemblies as governing bodies may prefer to use the time in other less beneficial ways. We do not share that concern and are confident that the very widespread support which currently exists for school assemblies would prevent any such decline. There is an example in the existing practice of independent schools which continue to hold assemblies, though under no legal obligation to do so.

However we accept that there is concern and think that the best way to address this is to require the governors of every school to have a statement and strategy about the way in which they propose to promote Spiritual, Moral, Social and Cultural Education, and to use school community assemblies as an important part of that strategy. OFSTED would be required to pay particular attention to the approach of schools in this respect and to comment explicitly, as part of their inspections, on the school's performance in this area.

This approach would be reinforced by government non-statutory guidance, including giving good examples of the wide range of ways in which effective assemblies can be organized, and in addition we suggest that OFSTED would be asked regularly to review the success of this whole approach.

We believe that removing the element of obligation, combined with the approach described, will rejuvenate assemblies, rather than the opposite.

A final complication, particularly if the legal requirement is to be retained, is the right of parents to withdraw their children from this part of the school day.

This right of withdrawal was established in the 1944 and 1988 Acts in order to give parents the right to withdraw their children from 'religious instruction'.

This was entirely reasonable at the time, but it is now much less clear that parents should have the right to withdraw their children from 'religious education', and 'spiritual, moral, social and cultural development'. Indeed we would say that there is no case for a right to withdraw a child from 'religious education' as opposed to 'religious instruction', though the legal issues under the European Convention of Human Rights would need to be explored.

There is also the related question of the right of children themselves, aged under

16, who have formed their own views on matters of religion and belief, to be withdrawn from, or stay in, assemblies against the decision of their parents. To neglect this might appear to deny children their freedom of conscience under Article 9 of the European Convention of Human Rights⁴¹ and Article 12 of the United Nations Convention on the Rights of the Child.⁴²

Though we are clear that the right to withdraw should not remain under the new arrangements we recommend, there are legal issues to be resolved. These would be more tricky with a redefined statutory requirement than if the statute was abolished altogether.

So in summary, in an era where schools have more and more responsibility for their curriculum, values and ethos, it seems to us better to leave them to work out for themselves what to do about school assemblies, within the overall ethos of the school, the requirements of the curriculum, and non-statutory advice from the government.

We accept that the more limited option of revising and rewording the statutory requirement is an option which would certainly improve the current state of affairs, but we think this more limited approach would retain a number of difficulties, as well as the unhelpful element of compulsion and obligation, which we believe it would be better to avoid.

Recommendation on the Act of Collective Worship

We recommend that the current requirement in statute for an Act of Collective Worship should be abolished, and the decision about the form and character of school assemblies should be left to the governors of individual schools. Schools should be required to set out their statement and strategy for promoting Spiritual, Moral, Social and Cultural Education, with school community assemblies as an important part of that strategy, upon which they would be inspected by OFSTED. The government should provide non-statutory guidance to help achieve this.

⁴¹ 'Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.'

⁴² 'States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.'

THE CURRICULUM

The Quality of Religious Education

In recent years criticism of the teaching of Religious Education in English schools has been substantial and authoritative.

The two most recent reports from OFSTED on Religious Education - 'Transforming religious education' in June 2010⁴³ and 'Realising the Potential' in October 2013⁴⁴ - are extremely critical of standards and the quality of provision. However they do (particularly in 2010) contain some good news, particularly in relation to student recognition of the importance of the subject:-

More pupils recognize the value of RE and nearly two thirds of them left school with an accredited qualification in the subject in 2012.

Examination entries in religious studies at GCSE and GCE A level have continued to rise each year since 2006, reinforcing a key success of the subject in recent years. Results in the full course GCSE are rising, although for the short course GCSE the results show only limited improvement, with around 50% to 55% of those entered gaining the higher A* to C grades. Results at GCE A and AS level have remained broadly the same since 2006.

As reported in 2007, a key success of RE in the past decade has been the improvement in pupils' attitudes towards the subject. In most of the schools visited, pupils clearly understood the importance of learning about the diversity of religion and belief in contemporary society.

A major success of RE is the way that it supports the promotion of community cohesion.⁴⁵

Opinion polls, research carried out on the Religion and Society research

⁴³ <http://webarchive.nationalarchives.gov.uk/20141124154759/http://www.ofsted.gov.uk/sites/default/files/documents/surveys-and-good-practice/t/Transforming%20religious%20education.pdf>

⁴⁴ <http://webarchive.nationalarchives.gov.uk/20141124154759/http://www.ofsted.gov.uk/sites/default/files/documents/surveys-and-good-practice/r/Religious%20education%20%20realising%20the%20potential.pdf>

⁴⁵ The governing bodies of maintained schools were given the duty to promote community cohesion in Section 38 of the Education and Inspections Act 2006 and OFSTED is required to inspect the exercise of this duty.

programme, and Westminster Faith Debates on religious education, reinforce such concerns.

Both OFSTED reports give detailed accounts of the problems which currently exist, for example (from the 2013 report except where stated):-

Too many pupils were leaving school with low levels of subject knowledge and understanding.

Achievement and teaching in RE in the primary schools visited were less than good in six in 10 schools. The quality of the curriculum was less than good in nearly two thirds of the primary schools visited.

In three-fifths of the lessons seen, both in primary schools and throughout Key Stage 3, a key weakness was the superficial nature of pupils' subject knowledge and understanding. Achievement and teaching in RE in the secondary schools visited were only good or better in just under half of the schools. The picture was stronger at Key Stage 4 and in the sixth form than at Key Stage 3. The quality of teaching was rarely outstanding and, at Key Stage 3, was less than good in around half of the lessons observed. The quality of the curriculum was good or better in just under two-fifths of the secondary schools.

Inspectors judged pupils' knowledge and understanding of Christianity to be good or outstanding in about 6% of the schools and inadequate in about 10% of them, making teaching about Christianity one of the weakest aspects of RE provision.

There were significant inconsistencies in the way humanism and other non-religious beliefs were taught, and some uncertainties about the relationship between fostering respect for pupils' beliefs and encouraging open, critical, investigative learning in RE. (2010)

Assessment in RE remained a major weakness. It was inadequate in a fifth of the secondary schools and a third of the primary schools.

Leadership and management of RE were good or better in half the schools visited; however, weaknesses were widespread in monitoring provision for RE and in planning to tackle the areas identified for improvement.

Most of the secondary schools in the survey with sixth forms did not fully meet the statutory requirement to provide core RE for all students beyond the age of 16. (2010)

Although the proportion of pupils taking GCSE and GCE examinations in

RE remains high, in 2011 nearly 250 schools and academies did not enter any pupils for an accredited qualification in GCSE.

The effectiveness of the current statutory arrangements for RE varies considerably. Recent changes in education policy are having a negative impact on the provision for RE in some schools and on the capacity of local authorities and SACREs to carry out their statutory responsibilities to monitor and support it.

Other criticisms and concerns include an insufficient supply of well-qualified specialist teachers, inadequate time for teacher training for both specialists and non-specialists, lack of availability of advice, and inadequate continuing professional development for teachers.

Both these reports and their predecessor, 'Making sense of religion'⁴⁶ in 2007, called upon the Department for Education to review the current statutory framework within which Religious Education is offered.

From this depressing description of overall failure (despite substantial patches of good practice and excellent teaching), which offers little comfort to defenders of the current statutory framework, *we identify four aspects of the OFSTED commentary as particularly significant.*

The first, and most important, is a recurrent theme relating to confusion about the whole purpose of the subject. For example:-

In secondary schools, weaknesses in the curriculum often related to a lack of clarity about the purpose of the subject at Key Stage 3.

Confusion about the purpose and aims of RE had a negative impact on the quality of teaching, curriculum planning and the effectiveness of assessment.

The current survey found further evidence of teachers' confusion about what they were trying to achieve in RE and how to translate this into effective planning, teaching and assessment.

Confusion over the proper relationship between religious education, ethics, moral guidance and community cohesion is a typical example, but there are others.

An important recommendation of the 2013 report was that the Department for Education should work in partnership with the professional associations for RE to clarify the aims and purposes of RE and explore how these might be translated into high-quality planning, teaching and assessment. This may well best be

⁴⁶ [http://dera.ioe.ac.uk/11105/1/Making%20sense%20of%20religion%20PDF%20format\).pdf](http://dera.ioe.ac.uk/11105/1/Making%20sense%20of%20religion%20PDF%20format).pdf)

expressed through a mix of intrinsic and instrumental (personal and social) aims for RE.⁴⁷

The second important recurrent theme of the OFSTED assessment is the need for wholesale reconsideration of the operation of local determination of syllabuses. This was common to both the 2010 and the 2013 reports and formed the basis of strong recommendations from OFSTED to review the system:-

The effectiveness of the current statutory arrangements for RE varies considerably. Recent changes in education policy are having a negative impact on the provision for RE in some schools and on the capacity of local authorities and SACREs to carry out their statutory responsibilities to monitor and support it.

The structures that underpin the local determination of the RE curriculum have failed to keep pace with changes in the wider educational world. As a result, many local authorities are struggling to fulfil their responsibility to promote high-quality religious education.

The gulf between local authorities that support and monitor RE effectively and those that find this role impossible continues to widen. Whether local determination still provides the best basis for improving the quality of RE in schools should therefore be reviewed urgently.

We believe that these criticisms now have widespread support.

A third, perhaps less important, theme is a comment on the time available for RE in the curriculum:-

The provision made for GCSE in the majority of the secondary schools surveyed failed to provide enough curriculum time for pupils to extend and deepen their learning sufficiently.

This comment reflects the fact that RE is not part of the National Curriculum, despite being legally required, a concern which is reinforced by frequent references to the isolation of RE from the rest of the curriculum.

The final clear theme from the OFSTED Report, also very important, is the current lack of focus upon getting the RE curriculum right. The 2013 Report comments:-

Since 2011, a range of RE professional associations including the RE Council for England and Wales (REC), National Association of Teachers of RE

⁴⁷ Inclusive Study of Religions and other Worldviews in Publicly Funded Schools in Democratic Societies' by Robert Jackson in European University Institute ReligioWest Project book, Jan 2015, <http://www.eui.eu/Projects/ReligioWest/Home.aspx>

(NATRE), the National Association of SACREs (NASACRE), and the Association of RE Inspectors, Advisers and Consultants (AREIAC) have expressed concerns to OFSTED that recent changes in education policy have been having a negative impact on the provision of and support for RE, both nationally and locally. These concerns have been reinforced by the 2013 All Party Parliamentary Group report which concluded:

RE has been the unintended victim of a combination of major policy changes rather than the subject of a deliberate attack. Nevertheless, the combined impact of so many severe setbacks in such a short time has been to convey the message that, even though it is a statutory subject, RE is of less value than other subjects.

The policies referred to have included: the decisions to exclude RE from the list of EBacc subjects and to remove short courses from the headline measures of school performance; the reduction in teacher training places for RE and the withdrawal of bursaries for RE trainee teachers; the way in which the roles and responsibilities of local authorities and SACREs for RE have not kept pace with wider changes: these include the expansion of the academies programme and reductions in local government spending; the decision not to fund an RE subject review in England to run in parallel with the Department for Education review of the National Curriculum, and the loss of publicly funded national support for curriculum development work in the subject.

This lack of focus clearly contributes seriously to the demoralisation and confusion which the OFSTED Report describes. These OFSTED conclusions need to be taken seriously, and the reassessment of the 1944 settlement which we recommend can help by directing attention to the means by which performance in this area can be improved.

It is worth emphasising again that despite the very real problems that do exist there are very many outstanding examples of teaching Religious Education, as evidenced by the number of schools achieving the recently introduced RE Quality Mark in the last three years, which simply illuminate what might be possible in a more positive environment.

Clarification: discriminating between three senses of religious education

Debate about religion in schools is bedevilled by confusion about what is meant by ‘religious education’. Failure to discriminate between legitimate and illegitimate forms of RE in schools fuels much criticism and defensiveness about the place of religion in our school system.

To cut through this, we propose a distinction between three senses of ‘religious education’, and suggest that the term should mainly be reserved for the third use.

1. Instruction

Religious instruction is that which takes place from a faith standpoint, and its purpose is to instruct in that standpoint. It does not involve critical questioning or consideration of alternative religious or non-religious options.

Such instruction is what many critics of religious education in schools have in mind. They may speak of ‘indoctrination’. In principle, there is nothing wrong with religious instruction, or indeed with indoctrination (‘doctrine’ = credo, a set of beliefs or convictions), nor with the process of trying to embed young people within a particular religious or non-religious tradition. These are legitimate enterprises in a society which upholds freedom of religion and belief.

However, there are legitimate concerns about religious instruction taking place in schools. We agree that such instruction or ‘indoctrination’ should not take place in schools when it (a) allows little or no room for questioning or criticism by pupils and/or (b) ignores (or even distorts and caricatures) other forms of religion and belief, and grants them no legitimacy.

We believe that if religious education is characterised by these features (a) and/or (b), it should be separate from the religious education curriculum which all schools should provide. It should take place outside the school, in families, Sunday Schools, madrassas etc. (though there may be a need for inspection, to safeguard against abuse or coercion).

Religious instruction should be principally the responsibility of religious communities and families. It should take place outside the school day, and should only take place on the premises of schools if those schools also properly provide the pupils involved with religious education on the basis of the legally required RE syllabus.

Religious instruction which involves distortion and caricature of other traditions, denial of their right to exist, and/or any element of coercion, should have no place on school premises, even outside the school day.

2. Formation

It is normal for parents to wish to form their children in certain ways and imbue them with certain beliefs and values, and natural for those whose children attend a faith school to expect that school to form them within a particular religious tradition. (Arguably, this also occurs in non-faith schools, even if not in such a self-conscious way.)

Collective formation is an important and often powerful aspect of formation, with an important role to play in shaping sensibilities – beyond what is possible for parents alone. Collective gatherings in a school setting can help foster social virtues, complement a sense of individuality, and balance a growing emphasis on individual achievement.

We believe that it is acceptable for state-funded faith schools to offer religious formation, both within the informal curriculum (e.g. school assemblies) and the formal curriculum, subject to two provisos – (a) that there is room for agency, questioning and criticism by pupils (b) that such formation does not ignore, distort or caricature other forms of religion or belief.

We think that it would be helpful if all faith schools which offer religious formation state this clearly, and take care to inform prospective parents and pupils about the nature of this formation (e.g. not just ‘Christian’, but ‘evangelical Christian’, ‘liberal Catholic’, ‘traditionalist Catholic’, ‘broad CofE’, ‘Orthodox Judaism’ etc.) We think it would also be desirable if non-faith schools were equally clear and self-conscious about the sort of formation they offer (e.g. ‘liberal humanist’, ‘secular egalitarian’).

3. *Religious Education*

Most people accept the need for all children to be brought up to understand the importance of religions; to appreciate their history and social significance; to be familiar with their beliefs, customs and practices; to be aware of the ways in which they have shaped the world and human lives; to be able to understand the meaning of religious language and symbols; to be able to form and articulate their own values and beliefs in relation to such understanding.

It is this kind of ‘religious education’, which we believe enjoys broad understanding and support, which is the main focus of this pamphlet, and which we would like to see placed on a firmer footing in our schools, on the same basis as other subjects.

Such religious education is critical, outward looking, and dialogical. It recognises diversity, and encourages students to learn ‘about’ and ‘from’ religious and non-religious worldviews. It involves both ‘understanding religions’ and ‘religious understanding.’⁴⁸ It develops knowledge about a range of beliefs and values, an ability to articulate and develop one’s own values and commitments, and the capacity to debate and engage with others. These are essential skills in a multi-faith society and a diverse but connected world.

⁴⁸ Cox E., ‘Understanding religion and religious understanding’, *British Journal of Religious Education*, 6(1), pp. 3-13, 1983.

Religious education should be based upon a commonly understood overall curriculum, which seeks to gain the confidence of all religions and beliefs, in that each is taught with proper respect for its own assessment of itself and also accepts the considerable diversity of belief within faiths. This should take place in all schools, within an even stronger requirement for schools which are substantially funded by the state. The state is entitled to insist that it will only fund schools that teach religions in accordance with such a commonly understood overall curriculum and that it will not provide funding for the teaching of faiths which do not genuinely respect the legitimacy of other belief systems.

In our view, it would be a mistake to remove the requirement for religious education from the statute book. This is a time when it is increasingly important for all citizens to comprehend religious belief and practices, as well as to have the space and opportunity to explore and develop their own beliefs and values.

Since 1944 the nature and place of religion in our society has changed, but religion and belief, experienced and practised in a far more diverse way, remains a very important part of our society. Therefore the place of religion and belief within our education system should change to reflect modern realities. But there is absolutely no case to remove it, as some suggest. In fact we need a more coherent and effective means of increasing the quality of religious education throughout our school system.

In this context it is interesting to note that the Scottish education system uses the phrase ‘Religious and Moral Education’. The Scottish government’s document on ‘Principles and Practice’⁴⁹ sets out the underlying approach. We believe that this name is more accurate than ‘Religious Education’ in modern times, and recommend that consideration be given to using ‘RME’ rather than ‘RE’ in describing this part of the statutory curriculum.

We need also to take account of the very significant changes in the nature of schools in Britain. The role of local authorities has changed and a wide range of different publicly funded schools has grown up. All face similar issues in deciding how best to teach about religion.

⁴⁸ <http://www.educationscotland.gov.uk/learningandteaching/curriculumareas/rme/nondenominational/principlesandpractice/index.asp>

A national curriculum and syllabus for Religious Education

Sections 2 and 8 of the 1988 Education Reform Act state that the basic curriculum must include:-

provision for religious education for all registered pupils at the school; and ... any agreed syllabus ... shall reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in Great Britain.

In each local authority 'Agreed Syllabus Conferences' are required to determine the locally agreed Religious Education syllabus, according to local circumstances. There are thus in principle 152 different RE syllabuses in England, though of course many are very similar and many variations are not significant. Individual schools are required to design curriculum and subject content on the basis of the locally agreed syllabus requirements.

This locally agreed syllabus provides the basis of religious education in maintained and community schools, as well as many faith schools and academies, whose funding agreement usually specifies use of this local syllabus. We address the position in other faith schools below.

The membership of agreed syllabus conferences, and the related SACREs, is determined locally, within a national statutory framework and in some accordance with local religious and other characteristics. Non-theistic beliefs such as humanism participate in different ways throughout the country although humanist organisations cannot be full members of agreed syllabus conferences under the existing law, and have been excluded in some local areas though they participate fully in others.

The publication in 2004 of a non-statutory national framework for Religious Education, agreed by all the traditional religions in the UK, including humanists, sought to influence the SACREs, Agreed Syllabus Conferences, and other relevant organisations to move towards a common national pattern, and had wide support. For example, the February 2006 joint statement from the Department for Education and Skills and faith communities on the importance of religious education stated:-

We are fully committed to using the Framework in developing the religious education curriculum for our schools and colleges.⁵⁰

However, this guidance did not change the statutory arrangements, though available evidence does suggest that the majority of local syllabuses do take account

⁵⁰ <https://www.churchofengland.org/media-centre/news/2006/02/pr2106b.aspx>

of the national framework, with some significant exceptions.

The existing system has been widely criticised for a number of reasons. Some of these were set out in the OFSTED reports quoted above. In addition, in our increasingly national, indeed global, society and culture it seems anomalous, to put it mildly, to have different RE curricula in different localities within England. Moreover SACREs and agreed syllabus conferences, usually through no fault of their own, do not always find it easy to engage with the whole of the local educational community, let alone national expertise in religion and education.

In each of 2007, 2010 and 2013 OFSTED recommended that the Department for Education should carry out a review of the current statutory arrangements for the local determination of the RE curriculum, and establish stronger mechanisms for supporting and holding to account the work of local authorities, SACREs and Agreed Syllabus Conferences.

We believe that this review is urgent, but do not think that the best way forward is to attempt to strengthen the current legal framework for locally agreed syllabuses. The time has come to accept that such syllabuses are no longer the best means to provide a consistent quality of Religious Education throughout the country.

The kind of commitment which is needed to improve RE teaching, provide better RE resource material, and give real focus to the subject will only come if a national RE curriculum is established.

The law should be amended to require that the curriculum for Religious Education should now be set in accordance with a nationally agreed syllabus and programmes of work. We would suggest that this covers Key Stages 1-3 of the curriculum. We turn below to the discussion about Key Stage 4.

This approach would not be dissimilar to those for the other National Curriculum subjects, but with one very important difference: the nationally agreed syllabus would not be determined by the Secretary of State independently, but in agreement with a newly created national statutory 'Standing Advisory Council on Religious Education (SACRE)' which would be established to discuss this syllabus with the Secretary of State.

This new national SACRE should include relevant experts on religion and education, who should together represent some of the variety of religious and non-religious stances characteristic of the UK today, including the main faith communities and humanism. They should be independent and not act as delegates.

There is a case for simply including RE in the National Curriculum. We can see merits in this approach and would not in principle oppose it. However we believe that the kind of independent National SACRE structure which we recommend, which is more than simply an advisory committee to the Secretary of State for Education, is a good way of maintaining a healthy partnership between religions and the state. Moreover it ensures that proper respect is given to the educational experience and practice of religions, and avoids the danger of the state or any particular government narrowing the focus of RE or changing its aims without agreement.

We suggest that an updated 2004-style non-statutory national framework for Religious Education form the basis of this new syllabus. We believe that it should continue to be the case that, unlike the National Curriculum, Religious Education should not be subject to statutorily prescribed attainment targets, but there would be agreed programmes of study and assessment systems. We would recommend that this nationally-agreed syllabus be reviewed every 5/7 years and thus kept up-to-date.

There are already sensible suggestions on the table for improving the quality of Religious Education. Professional associations and educational professionals have for many years proposed helpful measures for improvement.⁵¹

In October 2013 the Religious Education Council of England and Wales, with a range of member bodies encompassing the whole range of interest and experience in religious education, published its review of 'Religious Education in England',⁵² with a Foreword from the Secretary of State for Education. This offers a national curriculum framework for RE comprising a non-statutory programme of study which would be straightforward to replicate in a statutory context. It also offers, at Appendix 2, very helpful reflections upon the way which assessment and the measurement of attainment could be addressed in this context. Useful recommendations have also been made more widely, including in the Council of Europe.⁵³

We also note that as part of its overall review of GCSEs and A levels the

⁵¹ These include assuring the supply of properly qualified teachers, and improved continuing professional development. We need many more teachers who have a deep knowledge and understanding of religious and cultural diversity. This also raises issues about university courses in religious studies and theology, and the way in which teacher training has been cut in recent years. There has also been a decrease in specialist advice to teachers, particularly from local authority advisers who used to arrange substantial in-service courses and encourage and facilitate networks of serving teachers. High-quality support remains important, not least for non-specialist RE teachers (which includes almost all primary teachers, and many in secondary education as well).

⁵² <http://www.natre.org.uk/uploads/Free%20Resources/2013%20Review%20of%20Religious%20Education%20in%20England.pdf>

government is currently consulting on proposed subject content for Religious Studies GCSE, AS and A level, to be introduced from September 2016. Three consultation documents were published in November 2014: ‘Reformed GCSE and A level subject content consultation’,⁵⁴ ‘Draft Religious Studies AS and A level subject content’,⁵⁵ and ‘Religious Studies GCSE subject content’.⁵⁶

The main change proposed at GCSE is the expectation that all students must study two religions. This is an important and welcome shift, applying as it does to faith schools as well as all others, and moving towards a situation in which RE has to cover a wider range of religion and belief. In the longer term, other options, including the study of humanism and other religious and non-religious affiliations should be included.

The recent recommendations of the RE Council mentioned above, and the experience of agreeing the 2004 non-statutory framework, give us confidence that a statutory framework could be agreed without undue difficulty.

Such an agreed syllabus would provide a focus for raising standards of teaching RE, and improving teacher training. It would provide a focus for the development of high-quality and popular teaching materials, enable literacy in religion and belief to be developed more widely than at present, and provide a foundation for lifelong learning.

An important consequence of these changes is that, like the changes which we recommend in relation to the act of collective worship, the argument for parents to have the right to withdraw their children from this part of the curriculum should no longer exist, as the curriculum would have lost its ‘instructional’ or ‘confessional’ nature. We therefore recommend that this right be removed if the changes we recommend are introduced.

⁵³ Robert Jackson’s ‘Signposts – Policy and practice for teaching about religions and non-religious world views in intercultural education’ offers a helpful analysis of issues of principle and competence in this field <https://book.coe.int/eur/en/human-rights-education-intercultural-education/6101-signposts-policy-and-practice-for-teaching-about-religions-and-non-religious-world-views-in-intercultural-education.html> published 2014

⁵⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/372136/Reformed_GCSE_and_A_level_subject_content_consultation.pdf

⁵⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/381388/Religious_Studies_AS_and_A_level_subject_content_for_consultation.pdf

⁵⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/371723/Religious_Studies_GCSE_subject_content_for_consultation.pdf

Extending the agreed syllabus to all schools

The arrangements for determining the RE curriculum are complicated in schools which are not maintained community schools (which are required to teach from the locally agreed syllabus). The latest guidance from the Department for Education (February 1st 2010, perhaps significantly not updated since)⁵⁷ sets the position out clearly:-

Religious Education provision in foundation and voluntary-controlled schools with a religious character is to be provided in accordance with the locally agreed syllabus, in the same way as maintained county schools.

In voluntary-aided schools with a religious character RE is to be determined by the governors and in accordance with the provisions of the trust deed relating to the school or, where there is no provision in the trust deed, with the religion or denomination mentioned in the order designating the school as having a religious character.

A further complication is that in both types of school special arrangements have by law to be made to meet parents' wishes if they prefer their children to receive RE in accordance with an approved syllabus which the school is not using.

There are no specific curriculum requirements for independent schools. They have a broad obligation to be registered with the Department for Education. As a condition of registration they must meet certain standards which set out areas of learning which all pupils should experience, but independent schools have considerable flexibility about how they are delivered. All independent schools must also reach and maintain a satisfactory standard in respect of the quality of education provided, and the spiritual, moral, social and cultural developments of pupils.

The government has recently taken powers to strengthen its guidance to independent schools in this area, and notably to promote what it describes as 'fundamental British values'. In November 2013, following legislation, it issued guidance, 'Improving the Spiritual, Moral, Social and Cultural (SMSC) Development of Pupils: Departmental advice for independent schools, academies and free schools',⁵⁸ subsequently updated in November 2014,⁵⁹ and then reinforced

⁵⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/190260/DCSF-00114-2010.pdf

⁵⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/268826/dept_advice_template_smscadvicenov13.pdf

⁵⁹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/380396/Improving_the_spiritual_moral_social_and_cultural_SMSC_development_of_pupils_supplementary_information.pdf

with a ministerial letter in January 2015.⁶⁰

The main providers and sponsors of faith schools, including some independent schools, are in general committed to working closely with the locally agreed syllabus and the non-statutory national framework for religious education. In ‘Faith in the System’, they agreed with the Government that they:-

believe that all faith schools should teach pupils about their own faith and foster awareness of the tenets of other faiths and that they recognize the important contribution of RE to developing respect for and sensitivity to others, in particular those whose faith and beliefs are different from their own... and they reaffirm their commitment to using the principles of good religious education enunciated in the non-statutory National Framework for Religious Education when developing and reviewing the RE curriculum for their schools and colleges.⁶¹

We believe that there is a good case to be made for extending the role of the nationally-agreed syllabus which we recommend above to all maintained schools.

We are confident that this nationally-agreed syllabus would retain the commitment of the main faiths, as a result of their involvement in the national SACRE (and perhaps through consultation with the local SACREs) which would draw it up, and their general commitment to joint work of the kind described above.

In these circumstances we believe there is a very good argument for all schools in England, including all voluntary schools and academies, to use this nationally-agreed RE syllabus. The ambition is to achieve this goal through discussion and agreement, but should any independent schools wish to take a significantly different approach, this is a matter which OFSTED could explore in relation to inspecting schools from the point of view of their obligation to maintain a satisfactory standard in respect of the quality of education provided and the spiritual, moral, social and cultural development of pupils.

We suggest that Government should commit, through discussion with the providers and sponsors of faith schools, to this end. It would be possible to implement this without legislation though a legal change at the same time that the nationally-agreed syllabus is established would be desirable.

These recommendations for some faith schools and for independent schools represent a significant change in the formal position though, we would argue, a less

⁶⁰ <http://www.natre.org.uk/uploads/Additional%20Documents/Letter%20to%20SACREs%20Dated%20Jan%202015.pdf>

⁶¹ <http://www.religionlaw.co.uk/FaithInTheSystem.pdf>

significant change in the actual practice of the schools concerned.

The benefit of ensuring that all students in schools of every type in England are educated about religion as accurately as possible, and in a way which reflects the overall values of our society, seems to us a great benefit if it could be achieved.

Religious education after Age 14, and changes in Key Stages 4 and 5

As described earlier, the 1944 Education Act and succeeding legislation requires that religious education (and participation in the Act of Collective Worship) should be part of the syllabus for all students, including those older than 16, registered in either a school with a sixth form, a sixth form college constituted as a school, or in a school working as part of a consortium, except for those withdrawn by their parents. However it is not a requirement in colleges of further education. This is a significant anomaly which in our opinion is unsustainable and arises from an era when the structure of schools and further education colleges was fundamentally different, unlike the situation today.

This anomaly can be resolved either by extending the RE requirement to FE Colleges or by removing it from schools. We believe that the best way forward is to abolish the requirement for RE to be part of the curriculum at Key Stage 5. Our view is reinforced by the reasons covered at the end of Chapter 4 which relate to modern human rights. We believe that the RE requirement should end at the age of 16 in all educational institutions.

The issue of whether or not RE should continue to be required in the curriculum in Key Stage 4, i.e. from 14-16, is far more contentious.

At the moment, the legal requirement for Key Stage 4, as set out in the most recent guidelines (December 2014)⁶² is that maths, science and English have to be provided, as well as physical education, citizenship, and computing. These all fall within the National Curriculum, with religious education and sex and relationship education outside it.

There is a strong case for including RE in the Ebacc as it develops, and we believe that consideration should be given to that.

More widely there is a very good case for overall reform of this part of the national

⁶² <https://www.gov.uk/government/publications/national-curriculum-in-england-framework-for-key-stages-1-to-4/the-national-curriculum-in-england-framework-for-key-stages-1-to-4>

curriculum, within which the position of RE, and indeed the teaching of moral and ethical values in general, needs to be considered. It would clearly be best for the future of RE at Key Stage 4 to be considered in such a context of wider reform. Nevertheless it is worth reflecting upon some of the issues.

Part of the case for ending compulsory RE from Key Stage 4 is that this is in many ways the most pressurized part of the school curriculum, as pupils approach GCSEs and are likely to be focusing upon them. The increased interest in RE GCSEs is encouraging, but little is to be gained by forcing pupils not taking GCSE (and their schools and teachers) to go through the motions of studying RE at this more advanced level, but not really committing to it. This is especially the case if Key Stage 4 remains the stage at which students start to specialize on fewer subjects. Schools would still be required to make RE available at Key Stage 4 for those students who wanted to study it but we believe that removing compulsion at Key Stage 4 would help normalize RE and place it on the same footing as other subjects.

On the other hand, there is also a good case for retaining compulsion. For example, the European REDCo project⁶³ and the work of Warwick University's Religion and Society project⁶⁴ on young people's attitudes to religious diversity show that 13-16 year-old students welcome opportunities for learning about one another's religions and beliefs in the 'safe space' of the classroom, from well-qualified teachers able to facilitate dialogue and discussion competently.

Similarly the case can be made that good, discursive, dialogical RE can be complementary to examination-focused study and that, if RE GCSE becomes more academically demanding and fewer students opt for it, this will leave the majority with no opportunity for engagement with religion, belief and values issues in the classroom.

On balance, and recognising the complexities, we think that when a more holistic change at Key Stage 4 of the National Curriculum is considered, there is a strong case for changing the requirement to study RE to a requirement to study religious, spiritual, moral, ethical, social, and cultural values. Such reform should better integrate RE and other elements of the curriculum such as PSHE, sex and relationship education, and education about values, and help 'de-exceptionalise' RE. This area if study would be different from and complementary to the GCSE in RE.

⁶³ <http://www.redco.uni-hamburg.de/web/3480/3481/index.html>

⁶⁴ <http://erb.unaoc.org/warwick-religions-and-education-research-unit-university-of-warwick-uk/>

Curriculum and Teaching support

All of the interested professional RE associations, as well as OFSTED, are very clear about the need to improve significantly the quality of support for schools and RE teachers, in terms of teaching and educational materials, initial teacher training and continuous professional development.

The All Party Parliamentary Group on Religious Education has analysed the challenges faced in improving the quality of RE teaching in ‘RE: The Truth Unmasked’⁶⁵ which sets out a comprehensive set of policy recommendations which deserve attention.

A new approach to assessment may well be required, particularly in a climate where ‘religious literacy’ is or should be a requirement for a very wide range of jobs in both the public and private sectors.

Detailed recommendations in these areas are beyond the scope of this pamphlet, except to say that the status quo is inadequate.

A new role for the local Standing Advisory Councils on Religious Education (SACREs)

Since 1988 the local SACREs have played an important role in developing the relationship between religion and schools. As well as proposing a new national SACRE, we recognise the important contribution made by SACREs and their members.

For this reason, though we argue for the abolition of ‘local agreed syllabus conferences’ and suggest that the RE curriculum should be determined nationally and not locally, we believe that SACREs should be retained, and receive secure government financial support, in order to provide a bridge between local faith communities and the school system as a whole. Their role should explicitly include the responsibility to relate to all schools, whatever their type. It is difficult for SACREs to develop a consistent contribution if their remit does not extend to all schools.

We identify four specific and important roles.

First, SACREs should contribute, in a consultative process with local communities, to the regular recommendations of the national SACRE on the content of the national RE curriculum.

⁶⁵ http://religiouseducationcouncil.org.uk/media/file/APPG_RE_-_The_Truth_Unmasked.pdf

Second, SACREs should help implement the RE curriculum locally, for example through informal teacher training and provision of teaching materials, organisation of visits by representatives of different faiths and beliefs to schools, and school visits to faith communities.

Third, SACREs should play a role in promoting the priorities of community cohesion and educating for diversity. For example the Department for Communities and Local Government in July 2008 published 'Face to Face and Side by Side: A framework for partnership in our multi-faith society' which argued:-

SACREs where properly supported by the local authority can act as powerful vehicles for building, appreciating and managing differences in beliefs and values in schools, education more widely and the local community.⁶⁶

And fourth, SACREs should be in a position to advise on the availability of religious instruction locally, for those families and children seeking such provision. They may also be in a position to advise others local bodies on multi-faith issues.

Local SACREs are organisations with a strong track record which are in a good position to develop the relationship between different types and communities of religion and belief, schools, and the wider society. Some have worked collaboratively very successfully to improve the quality of RE in their area. They should be supported and reviewed in this light.

Community Cohesion and 'Radicalisation and Extremism'

It is accepted across government, from all political parties, and across the main faith groups, including those which provide faith schools, that community cohesion is an important function of education and that 'radicalisation and extremism' should be countered. It is widely accepted that views and ideologies which could be used to justify violence and terrorism should be challenged through critical debate, even if holding them is not in itself an offence. Currently, the most serious concerns are those to do with Islamic and far right forms of extremism, but we have noted the growing power of more conservative elements in all religions. There is a growing danger of mutual incomprehension between religious and non-religious people. Religious Education is certainly not the only place where such issues can be dealt with, and in which potentially divisive views need to be discussed and debated, but it is a very important one.

It is also agreed that schools – all schools, including faith schools - are important

⁶⁶ <http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/documents/communities/pdf/898668.pdf>

from this point of view, and it is accepted that a central goal of education is to provide a forum for debating fundamental beliefs, and to explain and defend values which mark a liberal, democratic and respectful society.

One example of this commitment is the comments in their Joint Statement on the importance of RE by Government and faith leaders made in February 2006 and July 2008 ('Faith in the System'),⁶⁷ in which the Government and faith leaders:-

recognised the important contribution of RE to developing respect for and sensitivity to others. In particular those whose faith and beliefs are different from their own. It should promote discernment and enable pupils to combat prejudice and contribute to community cohesion. In this spirit, the Government and the faith school providers reaffirm their commitment to using the principles of good religious education enunciated in the non-statutory National Framework for Religious Education (2004) when developing and reviewing the RE curriculum for their schools and colleges.

A recent sharp example of dangers for community cohesion arose in the 'Trojan Horse' affair in Birmingham in 2014 which gave rise to substantial public concern and debate. It was alleged that there had been a plot to take control of a number of schools in the city with the aim of installing a narrowly Islamist curriculum, practice and conduct of the school. All 21 of the schools alleged to have been influenced were non-faith maintained schools or academies.

Enquiries were held by Peter Clarke on behalf of the Secretary of State⁶⁸ and by OFSTED⁶⁹ (later extending its enquiries to a small number of schools in Bradford, Luton and Tower Hamlets), by Ian Kershaw, Birmingham City Council's Independent Chief Adviser,⁷⁰ and by the Education Funding Agency in relation to alleged financial irregularities at two schools.⁷¹

Peter Clarke's report concluded that there was 'no evidence to suggest that there is a problem with governance generally' nor any 'evidence of terrorism, radicalisation or violent extremism in the schools of concern in Birmingham', but said that there was

⁶⁷ <http://www.religionlaw.co.uk/FaithInTheSystem.pdf>

⁶⁸ http://dera.ioe.ac.uk/20549/1/Report_into_allegations_concerning_Birmingham_schools_arising_from_the_Trojan_Horse_letter-web.pdf

⁶⁹ <http://webarchive.nationalarchives.gov.uk/20141124154759/http://www.ofsted.gov.uk/sites/default/files/documents/other-forms-and-guides/a/Advice%20note%20provided%20on%20academies%20and%20maintained%20schools%20in%20Birmingham%20to%20the%20Secretary%20of%20State%20for%20Education%2C%20Rt%20Hon%20Michael%20Gove%20MP.pdf>

⁷⁰ <http://www.birmingham.gov.uk/trojanhorsereview>

⁷¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/318392/Review_of_Park_View_Educational_Trust.pdf and <https://www.gov.uk/government/publications/review-of-oldknow-academy-trust>

evidence that there are a number of people, associated with each other and in positions of influence in schools and governing bodies, who espouse, sympathize with or fail to challenge extremist views’, and that there had been ‘co-ordinated, deliberate and sustained’ attempts ‘by a number of associated individuals, to introduce an intolerant and aggressive Islamic ethos’ into ‘a few schools in Birmingham.

In general the issues and recommendations which emerged had to do with proper supervision of the existing system and sufficient resourcing of supervision by OFSTED to detect and prevent such attempts. No major issues concerning the place of religion in the structure of the curriculum and the organisation of schools of the type discussed in this pamphlet were identified.

However, one important recommendation of the OFSTED Enquiry was that the government should:-

provide much greater clarity to all schools (including academies and free schools) on what should be taught in a broad and balanced curriculum.⁷²

This relates to our comments about the necessity of making distinctions between religious instruction, formation and education, and about confusion in the curriculum. It reinforces the case for our recommendations. Moreover, the government has recently strengthened its advice in relation to independent schools.

More generally OFSTED has been inspecting schools to look at the effectiveness with which they carry out the responsibility to promote community cohesion which they were given from September 2007.⁷³ Until 2011 they were required to report separately on this, though this responsibility was later removed. This decision should be reconsidered.

Public concerns about the wider issue continue to reverberate, and media investigations into attempts to impose ‘extremist’ Muslim ideology continue. In February a group of religious leaders wrote to the BBC encouraging it to retain a commitment to balanced coverage of religion arguing that ‘Religious literacy is essential to the diversity we treasure in Britain – and a tonic to the extremism and

⁷² OFSTED Letter to Sec of State re 21 Birm schools:-

<http://webarchive.nationalarchives.gov.uk/20141124154759/http://www.ofsted.gov.uk/sites/default/files/documents/other-forms-and-guides/a/Advice%20note%20provided%20on%20academies%20and%20maintained%20schools%20in%20Birmingham%20to%20the%20Secretary%20of%20State%20for%20Education%20and%20Rt%20Hon%20Michael%20Gove%20MP.pdf>

⁷³ The governing bodies of maintained schools were given the duty to promote community cohesion in Section 38 of the Education and Inspections Act 2006.

intolerance that threaten it.⁷⁴ Thinking in this area has moved forward across Europe, with religion being taken increasingly seriously as an important component of intercultural education.⁷⁵

We recommend that the best way to promote community cohesion across the school system is to make the kinds of curriculum change which we are proposing and to establish a strong inspection system to ensure that all schools, faith or not, play a constructive role in their practice.

This will help ensure that Islamist and other extremist ideas are tackled by way of serious critical discussion in the classroom, in the context of a proper engagement with religious and non-religious traditions. We believe that this offers a more robust and effective way of dealing with extremist beliefs amongst young people than driving such ideas underground or presenting 'British values' as a kind of 'counter-propaganda'. Values of respect, liberalism and democracy can then be promoted in practice as well as in theory.

Recommendations on The Curriculum

We recommend that consideration be given to using the phrase 'Religious and Moral Education' rather than 'Religious Education' in describing this part of the statutory curriculum.

We recommend that the Religious Education syllabus in county and voluntary controlled schools should no longer be set by a system of agreed local syllabuses, but by an agreed national syllabus which would have a similar legal status to the requirements of other subjects in the National Curriculum.

We recommend that the nationally-agreed syllabus would be determined by the Secretary of State in agreement with a newly created 'National Standing Advisory Council on Religious Education (NASACRE)'

⁷⁴ <http://www.telegraph.co.uk/news/religion/11384878/Muslim-Christian-and-Jewish-leaders-alarm-as-BBC-axes-religion-chief-post.html>

⁷⁵ See Professor Robert Jackson's Signposts, written for the Council of Europe following their resolution in 2008, which sets out the situation. <https://book.coe.int/eur/en/human-rights-education-intercultural-education/6101-signposts-policy-and-practice-for-teaching-about-religions-and-non-religious-world-views-in-intercultural-education.html>

comprising experts on religion and education, and after formal consultation and input from the relevant established professional bodies, and representatives of religions, humanism and other belief systems. This nationally-agreed syllabus should be reviewed every 5/7 years.

We recommend that the government discusses with the faith school providers, including academies and free schools, the merits of voluntary-aided and foundation faith schools adopting this nationally-agreed syllabus and, on the basis of such discussions, considers legislating to require all maintained schools to adopt this syllabus.

We recommend that the government also discusses with faith school providers including academies and free schools, the importance of making a distinction within schools between religious instruction, formation and education, including agreement that religious instruction (even of a kind which does not include coercion, or distortion of other religions or beliefs) does not take place within the school day.

In addition, we recommend that the government discusses with independent schools whether they should adopt this nationally-agreed syllabus and, on the basis of such discussions, considers legislating to require all schools to adopt this syllabus.

If these changes are agreed we recommend that the right of parents to withdraw their children from the Religious Education part of the curriculum should be abolished.

We recommend that the legal requirement for Religious Education at Key Stage 5, after the age of 16, should be removed and that, within the context of a general reform of the curriculum at Key Stage 4, consideration should be given to modifying the legal requirement for Religious Education to a wider study of religious, spiritual, moral, ethical, social, and cultural values.

We recommend that all faith schools, and possibly all schools in receipt of state funding, clearly advertise and explain the kind of religious (or non-religious) ethos and formation which they offer, so that prospective parents and pupils can make informed choices.

We recommend that the local Standing Advisory Councils on Religious Education (SACREs) are given a new role which includes participating in the consultations about the content of the national RE curriculum, helping local implementation of the national RE syllabus, promoting community cohesion and educating for diversity, and advising on local availability of

religious instruction.

We recommend that an important, though not the only, way to promote community cohesion and to counter radicalisation across the school system is to make the kinds of curriculum change which we are proposing. Consideration should be given to OFSTED re-establishing a strong inspection system to ensure that all schools, faith or not, properly fulfil their duty to promote community cohesion.

FAITH SCHOOLS

There are a number of areas where ‘faith schools’, or ‘schools with a religious character’, mainly funded by the government, operate on a different legal and administrative basis from maintained community schools. These are:

- The curriculum, which we dealt with in the preceding chapter;
- Admissions policy;
- Inspection;
- Employment of teachers.

Each of these areas was differentiated within the 1944 Act and later legislation.

A good deal of relevant research on faith schools has been carried out, including by the Westminster Faith Debates. Two overviews worth mentioning here are:

1. The Theos report from 2013, ‘More than an Educated Guess: assessing the evidence on faith schools’,⁷⁶ which observes that the debate is often ‘an arena for proxy debates’, notably about the place of religion in the public life of this country. It addresses four main questions about faith schools:-

- Are faith schools socially divisive?
- Are faith schools exclusive and elitist?
- Is there a faith school effect?
- Do faith schools offer a distinctive education experience?

2. The Accord Coalition ‘Databank of Independent Evidence on Faith Schools (September 2014)’.⁷⁷ This categorises information using the following categories:-

- Faith schools’ impact upon social and community cohesion
- Standards and attainment in faith schools
- Discrimination in admissions
- Discrimination in employment

⁷⁶ <http://www.theosthinktank.co.uk/files/files/More%20than%20an%20educated%20guess.pdf>

⁷⁷ Accord <http://accordcoalition.org.uk/research/>

Homophobia and LGBT equality

The curriculum (Religious Education, Collective Worship, and Sex and Relationships Education)

Other groups' stances on faith schools and issues of religion in education

Opinion polls

Other statistical and general information on faith schools

Readers interested in the balance of research evidence addressing the main concerns about faith schools can usefully consult these materials and come to their own conclusions.

3. Survey work carried out by YouGov for the Westminster Faith Debates in 2013 which shed new light on public attitudes to faith schools in Great Britain.⁷⁸ It found that the most important reasons people give for choosing a faith school for a child are, in descending order, the school's academic standards, location, discipline, and ethical values. These far outweigh any more purely faith-related reasons.

The place of faith schools in the state education system has become increasingly contentious. The same Faith Debates survey found that 45% of the population believe the government should not provide funding for faith schools, compared with 32% who think it should (23% don't know). However, amongst younger people (18-24) those proportions are roughly reversed with a majority in favour of state funding.

Critics suggest that in relation to the curriculum, admissions policy, and employment of teachers, the existence of faith schools has adverse consequences for society which justify their abolition. For some, the very existence of faith schools in the state sector is unacceptable. On the other hand, supporters point to the educational success and popularity of many faith schools, their positive ethos, and the rights of religious parents – who are also taxpayers - to have their children educated in their family faith.

The churches are of course well aware of the criticisms, and have examined their own practices with the intention of addressing concerns where they consider them to be justified. In March 2012, for example, the Church of England Archbishop's Council Education Division published 'The Church School of the Future Review' which sets out a clear direction for their schools.⁷⁹

⁷⁸ 'What people really think about faith schools' <http://faithdebates.org.uk/wp-content/uploads/2013/10/WFD-Faith-Schools-Press-Release.pdf>

⁷⁹ [http://www.churchofengland.org/media/1418393/the%20church%20school%20of%20the%20future%20review%20-%20march%202012\[1\].pdf](http://www.churchofengland.org/media/1418393/the%20church%20school%20of%20the%20future%20review%20-%20march%202012[1].pdf)

Nevertheless, judgments have been made against a small number of church and other faith schools which are in breach of fair admissions policies, and issues remain in distinguishing some exclusivist faith-based schools which do not fairly represent other faiths and beliefs, from more outward looking faith-based schools, including in terms of recognition and funding.

Here we confine ourselves to looking at the overall legal framework and the practical changes which could be made to address the outstanding issues of concern. We do not believe that abolition of faith schools is either desirable or feasible, but we think that reforms could be beneficial and should be properly explored.

In the rest of this section we address the main areas for possible reform, and include references to the position of independent schools, including independent faith schools, the registration of which was first established in the 1944 Act.

Admissions Policy

Admissions policies seek to reconcile the constraints and needs of schools, and the rights of parents and children to find the school best suited to them. These issues continue to give rise to enormous controversies in overall policy, such as continued selection at age 11 in some parts of the country, and to personal anguish when individuals cannot be admitted to the schools they want to attend. There are also disputes about the extent to which schools can and do set admissions criteria which enable them to perform better in league table rankings. These controversies are by no means limited to faith schools.

Successive governments have varied in the extent to which they have sought to regulate school admissions policies, giving different degrees of autonomy to schools and to LEAs to determine such admissions policies.

The fundamental question in relation to faith schools, is whether or not they should be able to give priority to applicants on the grounds that they (and/or their parents) are active members of the particular faith which the school upholds.

Some argue that this criterion is entirely inappropriate for publicly-funded schools and should be abolished altogether. Others argue that whilst the criterion itself is acceptable (or at least should be accepted since abolition is not politically feasible), there are a range of abuses such as, for example, parents dishonestly pretending to have a faith commitment in order to have their children admitted to the relevant faith school (mainly on the grounds that it offers a better standard of education), which need to be addressed.

The Church of England and the Catholic Church control 97.5% of maintained faith primary schools and 83.9% of maintained faith secondary schools. The Church of England's 'Admission to Church of England schools' gives detailed information on current admissions practices (Appendix 2), and states:-

The Office of the Schools Adjudicator carried out a wide-ranging scrutiny of admission arrangements in all types of schools in 2008... It was evident from this scrutiny that there needed to be an increased engagement in and monitoring of the process by Diocesan Boards of Education... it also revealed that there were cases of partial compliance with the Code on the part of some admissions authorities.⁸⁰

This judgment was the basis of a fresh assessment by the Church of England of its admissions practices from which it concluded that:-

Church of England schools should be able to show how their Admissions Policy and practice demonstrates the school's commitment both to distinctiveness and inclusivity, to church families and the wider community... The Church of England stands ready to give support to the small number of schools that currently only admit children from Christian families to enable them to provide some open places available to the local community.

The Church of England national office will regularly review the national picture of admissions arrangements in Church of England schools and report biennially, beginning in September 2012. The purpose of such monitoring is so that a national perspective can be offered to both the Church and the Government of the day on how church schools carry out their responsibility to both parties.

The Diocesan Boards of Education in advising its schools will be able to take account of the overarching guidance provided by the Board of Education interpreting it as relevant to their local context. They will also ensure that Admissions Policies comply with the current admissions code.

Following a survey, the Church of England concluded:-

For a majority of schools all places were offered on a neighbourhood basis, and with no faith based places. It is only for a small number of primary schools and the 100 or so of the Church of England's 160 secondary schools where there is a very heavy demand for places that the relationship between admissions based on church affiliation and on local residence can be a cause of contention.

⁸⁰ [https://www.churchofengland.org/media/1513919/nsadmissionsguidancejune2011final%20\(3\).pdf](https://www.churchofengland.org/media/1513919/nsadmissionsguidancejune2011final%20(3).pdf)

On the issues around providing evidence of family religious commitment as a ground for admission to an over-subscribed school:-

Evidence may be sought from clergy on the supplementary information form and this should be stated in the policy. Policies must make it clear if the commitment of the family, parent or the child will be measured... The National Society recommends that the only criterion to be taken into account is attendance at worship. Points systems used to differentiate between families with equal commitment should be as simple as possible, and only used if absolutely necessary, and ideally should be phased out over the next few years. The Church welcomes children of other faiths into its schools.

Families of other faiths often choose to send their children to Church of England schools because they are places where faith will be respected and taken seriously... Many governing bodies rely on the wording of the original Trust Deed to draw up their Admissions Policy. These deeds often emphasized a bias to the poor. Governors should ensure that they examine the trust deed and if necessary reinterpret its terms to reflect the current context. The Diocese can help with this.

There are a number of agreements between the Church of England and other churches that ought to be reflected in admissions arrangements.

In response to a recent case Nigel Genders, the Church of England Chief Education Officer, stated

Most CofE schools do not prioritise their places on church attendance and those that do find room for pupils from the local community. New CofE schools being established to meet local need use distance for all or more than half their places. Our schools are not faith schools for Christians but church schools for all.⁸¹

This approach represents a serious substantive response from the Church of England to legitimate concerns about the operation of their schools' admissions policies. As it is applied to the 4,601 Church of England state schools it should lead to a situation where existing abuses and concerns are substantially removed.

The May 2014 Catholic statement on 'Catholic Education in England and Wales' provides guidance on admissions, and is less detailed and prescriptive than that of the Church of England.⁸² On issues of social selection, it makes it clear that:

⁸¹ Church Times, May 1st 2015

⁸² <http://www.catholiceducation.org.uk/images/CatholicEducationEnglandandWales.pdf>

Analysis of OFSTED data statistics from the Department for Education shows that Catholic schools and academies generally have more diverse populations than other schools.

A significantly higher proportion of pupils in Catholic schools in England are from the most deprived areas. 18.4% of pupils at Catholic maintained primary schools live in the most deprived areas compared with 13.8% nationally. 17.3% of pupils at Catholic maintained secondary schools live in the most deprived areas compared with 12.2% nationally.

Catholic schools in England have a greater proportion of pupils from ethnic minorities. 34.5% of pupils in Catholic maintained primary schools are from ethnic minority backgrounds compared with 28.5% nationally. 30.2% of pupils in Catholic maintained secondary schools are from ethnic minority backgrounds compared with 24.2% nationally.

At the same time the academic results of the Catholic schools are better than average:-

At age 11, Catholic schools in England outperform the national average English and Maths SATs scores by 5%. This is echoed in GCSE results, where Catholic schools also outperform the national average by 5%. As well as this, 82% of Catholic primary schools and academies have OFSTED grades of good or outstanding. This is in comparison to a national average of 79%.

There have been some cases of abuse of fair admissions policies by Catholic schools, including a high-profile judgement⁸³ against the London Oratory School in July 2014, and clearly any remaining abuses need to be ended.

Whatever faith is involved, we do not think that it would be right to remove from children of families who regularly worship an enhanced right to attend schools of that faith.

However, we do acknowledge that a number of serious problems arise from this policy. It:-

- encourages the distasteful practice of church attendance in order to secure a school place – mockingly referred to as ‘bend the knee and save the fee’
- unfairly advantages churches and Christians whose energies are directed inwards to their own worshipping community rather than outwards to the whole local community, or wider society
- takes as much or more account of the practice and wishes of parents than of the child whose education is at stake

⁸³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/330614/ADA2410_The_London_Oratory_School.pdf

- discriminates against children whose families have no faith practice, or are not willing to pretend to have one, even if the child has a genuine desire to be educated in a faith school, and formed in that faith
- may advantage those who are able to afford to attend regular worship, given associated costs like transport and financial donations.

There are also less principled and, in our view, less weighty, problems, including the direct costs to the state of providing ‘faith schools’, and the significant additional costs in many parts of the country of providing transport for students to get to their nearest faith school.

Nevertheless, we acknowledge that families who are regular worshippers have a legitimate right to expect their children should have some priority in admission to schools which share their faith. We believe that removal of the right of parents to choose schools which are of their own faith would be an enormous change which would be very widely challenged, including in law, and would be unachievable even if desirable.

However we do think that all steps to fairer admissions systems, and the elimination of abuses of the types that we have described, are very important.

Moreover one of the most important missions of any faith school is to serve its local community as a whole, and we believe that there is support within the churches for policies which would see the proportion of those selected by church attendance or related criteria reducing over time to become a much more limited proportion of intake, sufficient only to sustain the distinctive character of the school.

In the longer term more effort should be given to devising fairer admissions policies to faith schools, with the aim of addressing the serious objections listed above.

One option, which is closer to that pursued in many European countries, is to devise a policy which relies on each and every faith school making explicit what kind of faith formation it offers. If parents and children are willing to accept that in-school formation and not ‘opt out’, then that – rather than pre-existing family practices – would serve to demonstrate their commitment to the faith. This would remove many of the objections listed above. Where problems of over-subscription remained, random systems of selection, such as a lottery, would be needed.

We see many advantages in this approach over the current situation, in terms of fairness, consistency and transparency. The disadvantage is that it removes some control over setting admissions criteria from faith schools and churches and it does not fully safeguard access for worshipping families.

This area of policy – admission to faith schools – is hotly contested for understandable reasons. However we strongly believe it is in the interests of the churches, and their schools, to promote progressive change in this area and to widen confidence in the fairness of the systems which operate. Reform is really only possible with the willing consent and participation of all involved.

As far as independent faith schools are concerned, the issues are entirely different, as pupils have to pay for their places and there is no state funding. This situation does not seem to require reform by any change in the law.

Inspection of standards throughout the school system, including independent schools

Under Section 5 of the Education Act 2005, OFSTED inspects Religious Education in accordance with the locally agreed syllabus in maintained schools. Academies are inspected on the quality of their RE by OFSTED as part of the normal inspections regime. The content of collective worship and Religious Education, together with ‘Christian character’ and leadership and management, is inspected separately under section 48 of the Education Act 2005.

This requires the governing bodies of foundation and voluntary schools with a religious character, and all denominational academies, to ensure that they are inspected at regular intervals during the course of the periodic inspection of a school. The person who conducts the inspection is chosen by the governing body in consultation with a person prescribed in relation to the relevant designated religion or denomination. The separate inspection arrangements are limited to the content of collective worship and denominational education (religious formation). They currently take place every 5 years and are not aligned to OFSTED inspections.

Independent schools are registered under Section 70 of the 1944 Education Act, and have to fulfil certain conditions which were broadened by the 2008 Education and Skills Act⁸⁴ to include the ‘spiritual, moral, social and cultural development’ and the ‘welfare, health and safety’ of students. Subsequent government guidance has set out more detail.

There are around 2,400 independent schools in England. OFSTED inspects the educational provision of about half of them and the others are inspected by one of three approved independent inspectorates: Independent Schools Inspectorate, School Inspection Service, or the Bridge Schools Inspectorate. Guidance on this

⁸⁴ http://www.legislation.gov.uk/ukpga/2008/25/pdfs/ukpga_20080025_en.pdf

process is set out in ‘Registration of independent schools: Departmental advice for proprietors and prospective proprietors of independent schools in England’,⁸⁵ published in December 2013. The OFSTED annual report 2013/14 indicates that this is a comprehensive process.⁸⁶

The purpose of the inspection process in all schools is to raise educational standards and, in the context of this pamphlet, to strengthen the quality of religious education in schools. It would be possible to remove the ability of faith schools to have their own inspection process for the content of collective worship and denominational education (religious formation), and simply give this responsibility to OFSTED. However we can see no very powerful argument either for or against this change and would simply recommend that it be considered within the context of the overall changes we propose.

The inspection regime for independent schools is being steadily tightened through legislation from 1998 to 2014. We would recommend that this be continued in the context of the curricular changes we propose.

Employment of Teachers

The law permits the governing bodies of voluntary schools, when appointing a head teacher, to take account of the person’s ability and fitness to preserve and develop the religious character of the school.⁸⁷ It also permits governing bodies of voluntary aided schools to give preference, in connection with the appointment, remuneration or promotion of some teachers at the school, to persons:-

- whose religious opinions are in accordance with the tenets of the religion or religious denomination specified in relation to the school, or
- who attend religious worship in accordance with those tenets, or
- who give, or are willing to give, religious education at the school in accordance with those tenets

and states that:

- regard may be had, in connection with the termination of the employment of any teacher at the school, to any conduct on his (sic) part which is incompatible with the precepts, or with the upholding of the tenets, of the religion or religious denomination so specified.

⁸⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/283014/Independent_school_registration.pdf

⁸⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384707/Ofsted_Annual_Report_201314_Schools.pdf

⁸⁷ Section 60 of the School Standards and Framework Act 1998, <http://www.legislation.gov.uk/ukpga/1998/31/contents>

Section 58 of the same act sets certain limitations to this power.⁸⁸

The current DFE guidance (April 2013) simply confirms the 2009 guidance which makes this clear.⁸⁹ The Church of England's summary of this power is as follows:-

In a voluntary aided school the governors may decide to discriminate in favour of candidates who can demonstrate a positive commitment to the Christian faith and its expression in the school when employing teachers and some support staff whose posts have a genuine occupational requirement to be committed Christians. Such posts may include non-teaching chaplains, pastoral heads or bursars. The requirements should be clear in advertisements and in job or person specifications. This right is not affected by current human rights or equal employment opportunities legislation.

The governors and senior staff of a voluntary aided school should have a policy on whether teaching staff of the school need to be active Christians and/or active Anglicans. This may depend on the duties of the post, for example teaching religious education, leading school worship, or providing Christian leadership within the school or a section of it. This does not mean that an active Christian will be appointed to the post even if he or she is not the best candidate on professional grounds. For some posts, the governors will not appoint unless the best professional candidate is also an active Christian.⁹⁰

This ability to discriminate has been available to faith schools since their foundation, and confirmed in previous legislation. What has sharpened contemporary concern about the right to discriminate in favour of certain candidates for teaching posts (and to take action against teachers in certain circumstances) was the passage of the Equalities Act in 2010 which sought to eliminate discrimination wherever possible, including on grounds of faith. Limited exemptions were argued for and won by some faith organizations.

Some argue that some faith bodies are overstating the nature of the 'genuine occupational requirement' for headteachers and other staff. For example, it may be enough to be a baptised member of a church and/or to be sympathetic to the aims of a religious body and faith school, without having to be an activist or fully professing member of a faith. As in relation to admissions criteria to faith schools, this situation may unfairly favour more activist or conservative members of religious bodies over more traditional or moderate adherents who are nevertheless as well qualified for

⁸⁸ <http://www.legislation.gov.uk/ukpga/1998/31/contents>

⁸⁹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/269036/01081-2009dom-en.pdf

⁹⁰ Find reference

leadership positions in state-funded faith schools. Overall, this may reinforce a tendency for faith bodies to move away from liberal forms of religion towards less liberal forms, as well as to discriminate against actual and potential employees.

Such concerns have led to challenge. For example the Joint Committee on Human Rights of the UK Parliament wrote in their first report on the then Equality Bill, published in October 2009, that:-

We consider that substantial grounds exist for doubting whether sections 58-60 of the School Standards and Framework Act 1998 (SSFA) as currently framed are compatible with the requirements of Article 4(2) of the Framework Equality Directive 2000/78/EC. We also consider that the provisions of section 60(5) SSFA permit Voluntary Controlled and Voluntary Aided Schools to impose wide-ranging requirements upon employees to adhere to religious doctrine in their lifestyles and personal relationships which may go beyond what is permitted under Article 4(2).⁹¹

A case was taken on related grounds to the European Court of Justice where the final Court judgment upheld the legislation in its current form.⁹²

Despite the legitimate concerns about the power of faith schools to discriminate in their employment, we tend to the view that if faith schools are permitted to exist, as we think that they should be, they need to have the ability to ensure that their staff can genuinely carry out the mission of the school, which may exceptionally require the ability to discriminate which the law now grants them (for example, where a priest is needed to conduct worship). In general, however, we believe that the requirement that a teacher or headteacher be in sympathy with the aims of the school and its faith, and willing to uphold and promote them, is sufficient. We recommend that the situation be kept under review.

⁹¹ Legislative Scrutiny: Equality Bill. Twenty-sixth Report of Session 2008-09, p.96

⁹² <https://humanism.org.uk/wp-content/uploads/EU-Pilot-3800-12-JUST.pdf>

Recommendations on Faith Schools

We recommend that children of families of faith should where possible be able to attend schools of that faith and that their current right to be given priority in the admissions process should not be removed.

We also recommend that the churches need to make strong and continued progress in addressing the very real concerns about fairness, and that changes to the current legal position should be considered as an urgent matter if faith bodies fail to make progress in the directions which they have set for themselves. We believe that there are legitimate concerns about using regular attendance at worship as a selection criterion and we recommend that this criterion be kept under review.

We recommend that further effort be given to developing alternative proposals for fairer admissions procedures to faith schools, procedures which balance the rights of families of faith to have their children educated in that faith with considerations of fairness to others and serving the whole local community.

We recommend that the ability of faith schools to retain their own inspection process for the content of collective worship and religious formation should be reconsidered within the context of the overall changes we propose.

We recommend that the inspection regime for independent schools continue to be steadily tightened in the context of the curricular changes we propose.

We recommend that the current arrangements which enable faith schools to discriminate in their employment are kept under review, given legitimate concerns about their necessity and their effects.

CONCLUSION AND RECOMMENDATIONS

We began this pamphlet by suggesting that, seven decades after 1944, the time is overdue for a new settlement in the relationship between religion and schools. The old settlement no longer works as well as it needs to for the benefit of schools, religion and wider society.

The simple fact is that schools have changed enormously over the last 70 years, and so has religious and non-religious practice and its place in our society.

We have discussed, in some detail, the various aspects of the existing settlement as they operate today, and we have come to a judgment about areas where changes are needed, and areas where they are not, or the situation can be kept under review.

We have not addressed in any detail a number of important practical questions, such as improving teacher supply and quality, developing better course material and ensuring that all teachers are religiously literate. These are exceptionally important, but we think it will be easier to make progress once the overall legal framework is in the right place.

Our recommendations represent our personal views, formed on the basis of relevant recent research, and our respective expertise in politics and religion. We hope that they may be useful in informing a new settlement, and we conclude by listing the recommendations made in the course of the investigation above.

We recommend that:-

Act of Collective Worship

- (1) The current requirement in statute for an Act of Collective Worship should be abolished, and the decision about the form and character of school assemblies should be left to the governors of individual schools. Schools should be required to set out their statement and strategy for promoting Spiritual, Moral, Social and Cultural*

Education, with school community assemblies as an important part of that strategy, upon which they would be inspected by OFSTED. The government should provide non-statutory guidance to help achieve this.

Curriculum

- (2) *Consideration be given to using the phrase 'Religious and Moral Education' rather than 'Religious Education' in describing this part of the statutory curriculum.*
- (3) *The Religious Education syllabus in county and voluntary controlled schools should no longer be set by a system of agreed local syllabuses, but by an agreed national syllabus which would have a similar legal status to the requirements of other subjects in the National Curriculum.*
- (4) *The nationally-agreed syllabus would be determined by the Secretary of State in agreement with a newly created 'National Standing Advisory Council on Religious Education (NASACRE)' comprising experts on religion and education, and after formal consultation and input from the relevant established professional bodies and representatives of religions, humanism and other belief systems. This nationally-agreed syllabus should be reviewed every 5/7 years.*
- (5) *The government discusses with the faith school providers, including academies and free schools, the merits of voluntary-aided and foundation faith schools adopting this nationally-agreed syllabus and, on the basis of such discussions, considers legislating to require all maintained schools to adopt this syllabus.*
- (6) *The government also discusses with faith school providers including academies and free schools, the importance of making a distinction within schools between religious instruction, formation and education, including agreement that religious instruction (even of a kind which does not include coercion, or distortion of other religions or beliefs) does not take place within the school day.*
- (7) *In addition, the government discusses with independent schools whether they should adopt this nationally-agreed syllabus and, on the basis of such discussions, considers legislating to require all schools to adopt this syllabus.*

- (8) *If these changes are agreed, the right of parents to withdraw their children from the Religious Education part of the curriculum should be abolished.*
- (9) *The legal requirement for Religious Education at Key Stage 5, after the age of 16, should be removed and that, within the context of a general reform of the curriculum at Key Stage 4, consideration should be given to modifying the legal requirement for Religious Education to a wider study of religious, spiritual, moral, ethical, social, and cultural values.*
- (10) *All faith schools, and possibly all schools in receipt of state funding, clearly advertise and explain the kind of religious (or non-religious) ethos and formation which they offer, so that prospective parents and pupils can make informed choices.*
- (11) *The local Standing Advisory Councils on Religious Education (SACREs) are given a new role which includes participating in the consultations about the content of the national RE curriculum, helping local implementation of the national RE syllabus, promoting community cohesion and educating for diversity, and advising on local availability of religious instruction.*
- (12) *An important, though not the only, way to promote community cohesion and to counter radicalization across the school system is to make the kinds of curriculum change which we are proposing. OFSTED should re-establish a strong inspection system to ensure that all schools, faith or not, properly fulfil their duty to promote community cohesion*

Faith Schools

- (13) *Children of families of faith should where possible be able to attend schools of that faith, and that their current right to be given priority in the admissions process should not be removed.*
- (14) *The churches need to make strong and continued progress in addressing the very real concerns about fairness, and that changes to the current legal position should be considered as an urgent matter if faith bodies fail to make progress in the directions which they have set for themselves. We believe that there are legitimate concerns about using regular attendance at worship as a selection criterion and we recommend that this criterion be kept under review.*

- (15) Further effort be given to developing alternative proposals for fairer admissions procedures to faith schools, procedures which balance the rights of families of faith to have their children educated in that faith with other considerations of fairness to others and serving the whole local community.*
- (16) The ability of faith schools to retain their own inspection process for the content of collective worship and religious formation should be reconsidered within the context of the overall changes we propose.*
- (17) The inspection regime for independent schools continue to be steadily tightened in the context of the curricular changes we propose.*
- (18) The current arrangements which enable faith schools to discriminate in their employment are kept under review, given legitimate concerns about their necessity and their effects*

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A New Settlement: Religion and Belief in Schools

Andrew Copson, Chief Executive, British Humanist Association

"It is over seventy years since the place of religions and non-religious worldviews in our state education system was last given any systematic legislative attention. In those seven decades, the demography of England and Wales has changed beyond recognition and yet the education system is fossilised, failing to make its full contribution to developing the inner life of our young people in line with their beliefs and values and to equipping them for life in today's actual society. Every area of our education system that intersects with questions of religion or belief needs urgent review and that is what this pamphlet does systematically and with acuity. No one will agree with all of it, but all of it is an informed and valuable contribution to what should be one of the biggest educational debates of our time."

Very Reverend John Hall, Dean of Westminster

"The place of religion in education is contested but there is no doubt that young people need a far better understanding than they currently have of the powerful motive force that is religious - and non-religious - faith, for good and ill. And they need to develop spirituality and morality. These matters require illumination and, on the basis of substantial experience, receive it here."

Robert Jackson, Professor of Religions and Education University of Warwick and Professor of Religious Diversity and Education, European Wergeland Centre, Oslo.

"The publication of this lively discussion document on religion and belief in education in English schools, co-written by a former Home Secretary and Minister of Education and the Director of Britain's largest research programme on religion and society, is timely and very welcome. The pamphlet brings fresh thinking in an instrumental educational climate in which, perhaps inadvertently, crucial areas of human experience such as religion and values have been neglected. The ideas presented here are worthy of close attention, and warrant serious debate by all concerned with educational policy and practice, including parents and young people as well as politicians, policy makers and teachers."

Lord (Stewart) Sutherland

"It is over seventy years since 1944 settlement on Religion and Education. It is certainly time for a reassessment and this careful and penetrating report provides an excellent starting point."