

# Curriculum for Wales: Religion, values and ethics

## Consultation response form

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Responses should be returned by **28 July 2020** to

Arts, Humanities and Well-being Branch  
The Education Directorate  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

or completed electronically and sent to:

e-mail: [RVEConsultation@gov.wales](mailto:RVEConsultation@gov.wales).

**Question 1** – Do you agree that religion, values and ethics (RVE) should encompass both religious and non-religious beliefs that are philosophical convictions (in line with the European Convention on Human Rights) as described in the consultation document?

<b>Agree</b>	✓	<b>Disagree</b>		<b>Neither agree nor disagree</b>	
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### Supporting comments

**This response is made on behalf of Wales Humanists, the national charity working on behalf of non-religious people. More about Wales Humanists and a summary of our response can be found in our answer to question 9.**

#### Key points:

- It is vital that religion, values, and ethics (RVE) should encompass both religious and non-religious beliefs that are philosophical convictions (in line with the European Convention on Human Rights) as described in the consultation document;
- Any claim that the ‘introduction’ of non-religious worldviews into religious education will serve to ‘dilute’ or ‘dumb down’ the subject, ignores the fact that:
  1. the law already stipulates that this should be the case and the changes only seek to clarify this fact;
  2. humanism and humanist beliefs are well-represented in Wales and thus worthy of recognition through the curriculum;
  3. humanism is a cogent, well-developed worldview with a significant and rigorous body of literature underpinning it that is suitable for teaching in schools.
- As the only non-religious worldview that meets this standard and is common in Wales, in effect the proposal to include non-religious worldviews that are philosophical convictions means the inclusion of humanism alongside religions;

#### **Non-religious convictions, demographics, and the law**

We strongly agree that RVE should include religions and humanism equally. Indeed, both international and domestic human rights law on this issue already requires that this *must* be the case, as to exclude humanism from such teaching would mean that the subject could not adequately meet the standard of being objective, critical, and pluralistic.

In the only domestic case law on this matter in the UK, a 2015 High Court judgement found that, after the Government in England left humanism out of the GCSE syllabus specifications, it made an 'error of law' by claiming that teaching the syllabus alone would satisfy the statutory requirement to provide RE. This was because, without the inclusion of teaching about non-religious perspectives, the syllabus was insufficiently pluralistic.<sup>1</sup>

What's more, given that the Welsh Government intends to remove the right of parents to withdraw their children from RVE, the inclusion of humanism will increase in importance once the new curriculum is introduced. Currently, the right to withdraw from RE provides an extra layer of protection for the freedom of religion or belief of pupils and their families which can be exercised in the event that they consider the subject is insufficiently objective, critical, or pluralistic. In the absence of this safety valve, non-religious pupils who are exposed to a curriculum that does not include humanism will be compelled to participate in lessons that fail to treat their beliefs as worthy of proper consideration. Pupils from other backgrounds will be provided with an unbalanced view of the types of deeply held beliefs that the citizens of Wales hold, limiting their opportunities to make informed choices about their own perspectives.

The most recent British Social Attitudes Survey suggests that 52% of British and 57% of Welsh adults belong to no religion.<sup>2</sup> The former figure rises to 71% for the age-bracket most likely to have children of school age (25-54) and 78% amongst younger people (18-24). In this context, as Professor Satvinder Juss of King's College London pointed out in a legal opinion on the High Court judgment mentioned above, a syllabus that 'give[s] priority to the study of religions (including some with a relatively very small following and no significant role in the tradition of the country) over all non-religious world views (which have a significant following and role in the tradition of the country)'<sup>3</sup> would violate the law: 'Such a syllabus would not afford "equal respect", would not be pluralistic, and would therefore be unlawful'.<sup>4</sup>

An RVE curriculum that fails to be inclusive of humanism would not only be a problem because it would fail to meet the standard of being objective, critical, and pluralistic. It would also seriously risk violating the freedom of thought, conscience, religion, and belief that young people are legally entitled to enjoy under Article 9 of the European Convention on Human Rights and Article 14(1) of the UN Convention on the Rights of

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<sup>1</sup> See *R (Fox) v Secretary of State for Education* (2015) <<https://www.judiciary.uk/wp-content/uploads/2015/11/r-fox-v-ssfe.pdf>> [accessed 18 June 2020].

<sup>2</sup> Humanists UK 'Latest British Social Attitudes Survey shows continuing rise of the non-religious' (2019) <<https://humanism.org.uk/2019/07/11/latest-british-social-attitudes-survey-shows-continuing-rise-of-the-non-religious/>> [accessed 19 June 2020].

<sup>3</sup> *R (Fox) v Secretary of State for Education* (2015) para 77 <<https://www.judiciary.uk/wp-content/uploads/2015/11/r-fox-v-ssfe.pdf>> [accessed 18 June 2020].

<sup>4</sup> Juss, S. *High Court ruling on Religious Education Legal guidance on what it means for local authorities, academies, schools, teachers, Agreed Syllabus Conferences, and SACREs* (2016) <<https://humanism.org.uk/wp-content/uploads/2016-04-28-FINAL-High-Court-ruling-on-Religious-Education-legal-guidance.pdf>> [accessed 19 June 2020].

the Child. Such a curriculum would also undermine one of the four key principles of the new curriculum; namely, to produce 'Ethical, informed citizens who are ready to be citizens of Wales and the world.'<sup>5</sup>

Furthermore, all of the usual contemporary justifications for the subject – its contribution to social cohesion and mutual understanding, its presentation of a range of answers to questions of meaning and purpose, its role in educating about the history and present culture of humanity, and its role in the search for personal identity and values – can only be served by including humanist perspectives and non-religious students alongside different religions.

### **The inclusion of humanism in particular in RVE**

When discussing the inclusion of non-religious worldviews in RE, we are often asked the question of why humanism should be included in particular. There are two main reasons for this: First, humanism is the only non-religious worldview that is sufficiently well-articulated and the subject of a sufficient body of writing suitable for use in schools. Second, it is the (explicit or implicit) worldview of the great majority of non-religious people in Wales.

Not every person who meets the definition of a humanist would refer to themselves as such, and some will even be unfamiliar with the term. However, this reflects the fact that non-religious people are not compelled by their beliefs to engage in any sort of formal practice or observance, join any organisation or even identify with any particular creed at all. The difference between religions and non-religious worldviews on this score should not mask the fact that the humanist outlook on life is widespread in Britain today.

Humanism is different from the major religions in being a descriptive label for a set of beliefs that have existed throughout history and across the world. Often when people come to self-identify as a humanist they say they have 'discovered' a term that has long applied to them. This doesn't happen with religions but is more akin to sexual orientation, for example. To try to get closer to understanding this phenomenon, Humanists UK commissioned a YouGov poll asking British adults a series of questions on their beliefs about religion, ethics, morality, and reason. The results established that 6% of British adults primarily identify as humanists. Nevertheless, around half of the population that has a non-religious outlook on life (i.e. a quarter of the total population) has an outlook that matches the humanist one, and all but 5% of these would self-define as humanist once this fact was pointed out to them.<sup>6</sup> Whatever figures one uses – those specific to

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<sup>5</sup> See e.g. Welsh Government *Developing a Vision for Curriculum Design* (2020) <<https://hwb.gov.wales/curriculum-for-wales/designing-your-curriculum/developing-a-vision-for-curriculum-design/#curriculum-design-and-the-four-purposes>> [accessed 19 June 2020].

<sup>6</sup> For a news item based on an earlier version of this polling, see Humanists UK, 'New poll shows one in five are humanists and a third hold humanist beliefs' (2017) <<https://humanism.org.uk/2017/06/15/new-poll-shows-one-in-five-are-humanists-and-a-third-hold-humanist-beliefs/>> [accessed 19 June 2020] – more recent polling has shown the figures rise still further. With respect to Wales specifically, see Humanists UK, 'Nearly a million Welsh adults have a humanist approach to life YouGov research shows' <<https://humanism.org.uk/2016/11/30/nearly-a-million-welsh-adults-have-a-humanist-approach-to-life-yougov-research-shows/>> [accessed 19 June 2020].

humanism or those relating to the numbers of non-religious people more generally – humanists certainly outnumber all minority religious people put together, and there are more adults who are humanists in Wales than there are members of any one Christian denomination.

Further, contrary to what is occasionally implied by the otherwise excellent final report by the Commission on Religious Education,<sup>7</sup> atheism and agnosticism are not worldviews but positions merely on the existence of god. They are not equivalent to ‘religions’ but to ‘theism’. Besides, humanists are by definition atheists or agnostics and so both terms would be discussed as part of the systematic study of humanism. Secularism is not a worldview but a political position on how the state relates to religious people and humanists. It is more akin to, for instance, feminism. It is a position that religious people can and do frequently hold, so to imply that it is a non-religious worldview would be particularly distorted.

For RE, in general, and RVE, in particular, to be relevant as a subject, it is vital that it is as relevant to the non-religious as it is to their religious peers. This is not to say that the subject should be purely dictated by the demands of students or the makeup of the classroom. Rather, ‘relevance’ means that students should be able to understand why they are learning something and appreciate why it is important for them to do so. It is doubtful that students would be minded to ascribe importance to a subject that included a range of different beliefs but not their own. Indeed, the vision of the RE Council for England and Wales is that ‘Every young person experiences a personally inspiring and academically rigorous education in religious and non-religious worldviews’.<sup>8</sup>

Quite apart from the number of people who are non-religious in our society, reflecting the impact of the non-religious on that society is also important if RE is to achieve relevance (and to impart knowledge on the religious and non-religious heritage of humanity, as we mention above). As David Voas, quantitative sociologist of religion and Professor of Social Science at the UCL Institute of Education, writes:

‘Religious scepticism is also an important and longstanding part of British culture and tradition. The beliefs and worldviews that are characteristic of this country can only be understood with reference to non-believers such as Aphra Behn in the 17th century, David Hume, Mary Wollstonecraft and Thomas Paine in the 18th, Percy Shelley, Jeremy Bentham, John Stuart Mill, George Eliot, Charles Darwin, T. H. Huxley, Charles Bradlaugh and Thomas Hardy in the 19th, Bertrand Russell and E. M. Forster in the early 20th, or the majority of leading philosophers and public intellectuals in the post-war period... It is impossible to understand the changing role of religion in society without grasping the

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<sup>7</sup> Commission on Religious Education, *Religion and Worldviews: The Way Forward A National Plan for RE* (2018) <<https://www.commissiononre.org.uk/wp-content/uploads/2018/09/Final-Report-of-the-Commission-on-RE.pdf>> [accessed 19 June 2020].

<sup>8</sup> Aims, Vision and Values, Religious Education Council for England and Wales <<http://religiouseducationcouncil.org.uk/about/how-the-rec-works/aims-vision-and-values>> [accessed 19 June 2020].

significance of the age of enlightenment, movements such as rationalism and freethought, and belief systems based on atheism or humanism. The erosion of religious privilege and the spread of equality over the past two centuries is bound up with the rise of secularism. One cannot make sense of religion without some study of the alternatives.<sup>9</sup>

This directly contradicts the position of the Catholic Education Service, who have claimed that the inclusion of non-religious worldviews in the subject will mean that it is not as intellectually rigorous and constitutes 'dumbing down'.<sup>10</sup>

Given both the number of its proponents and the weight of its contribution, humanism demands inclusion in RVE on the basis of any measure of current or historic significance. Only a crude attempt to divide religion and non-religion (and give priority to the former) can deny this.

### **The inclusion of humanism in faith schools**

For all the reasons stated, we fully support the Welsh Government's decision to amend the law to: 1) make it clear that humanists may sit on the bodies that develop and oversee locally agreed syllabuses (SACREs and ASCs); 2) ensure that religions and humanism are included on an equal footing in the RVE curriculum in schools without a religious character; 3) make this pluralistic RVE curriculum the default option in voluntary controlled religious schools; and 4) give parents (who may, for whatever reason, have had no other choice to send their child to a faith school despite not sharing its religion) the right to demand pluralistic RVE in line with the pluralistic locally agreed RVE syllabus in voluntary aided faith schools.

It is clear that the Welsh Government has thought carefully about how to make RVE that is fully inclusive of humanism available to a far wider range of pupils than is the currently the case, and the attempt to improve the situation for at least some pupils in faith schools is to be applauded.

Of course, for reasons outlined in our responses to the questions on voluntary aided and voluntary controlled schools below, it would be preferable from the perspective of children's rights to insist that all children in *all* types of school receive inclusive RVE. In other words, that faith schools be expected to teach RVE that is objective, critical, and pluralistic alongside any faith-based provision they might offer and irrespective of their parents' views on the matter (we note that this is largely the approach that has been taken in RSE). Nevertheless, even without this the proposed developments mark a huge step in the right direction.

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<sup>9</sup> Witness statement of David Voas, *R (Fox) vs Secretary of State for Education* (2015) <<https://humanism.org.uk/wp-content/uploads/BHA-WS-Voas-0016.pdf>> [accessed 19 June 2020].

<sup>10</sup> Catholic Education Service (2019) <<https://www.catholiceducation.org.uk/component/k2/item/1003674-statement-from-the-catholic-education-service-on-the-consultation-to-re-and-rse-in-wales>> [accessed 11 November 2019].

**Question 2** – Do you agree that agreed syllabus conferences **must have regard** to statutory guidance when they are developing their locally agreed syllabus?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Supporting comments

#### Key points:

- It is essential that ASCs have regard to the statutory guidance as the best way to ensure the curriculum is objective, critical, and pluralistic;
- ASCs must be made aware of the relevant legal meaning of the term ‘have regard to’ and be able to provide a clear, well evidenced rationale for any decision to depart from it;
- Since the full inclusion of humanism on an equal footing with religious perspectives will be new to many ASCs, SACREs, schools, and teachers, the Welsh Government should issue additional guidance on this matter;
- Welsh Government should also consider drawing up an RVE code – similar to that proposed in the Curriculum and Assessment (Wales) Bill for RSE – outlining the basic requirements that the curriculum will need to satisfy in order to be considered objective, critical, and pluralistic.

We think it is imperative that all ASCs have regard to the statutory guidance issued by the Welsh Government when developing their locally agreed syllabus. This is because, as long as the guidance itself is sufficiently comprehensive, such a requirement represents the best way to ensure that syllabuses do not violate the newly clarified legal requirement that they are objective, critical, and pluralistic.

Of course, there will be a range of different ways to achieve this goal, and the requirement to ‘have regard to’ a particular set of guidance does not mean that every suggestion must be followed to the letter. However, case law on this issue does provide that having regard will require the relevant authority (in this case the ASC) to have ‘considered and engaged with the Guidance, not ignored it, or merely paid lip-service to it.’<sup>11</sup> What’s more, in the event that a choice is made to depart from any part of that guidance, ASCs will need to ‘have a proper evidential basis for [this] decision,’<sup>12</sup> meaning that they will need to be able to provide a clear and proper reason for the departure. This

<sup>11</sup> See *R (on the application of the Governing Body of the Oratory School) v The Schools Adjudicator* (2015) para 59 <[https://www.judiciary.uk/wp-content/uploads/2015/04/oratory\\_school-170415-final-2.pdf](https://www.judiciary.uk/wp-content/uploads/2015/04/oratory_school-170415-final-2.pdf)> [accessed 21 June 2020].

<sup>12</sup> Ibid.

will make it more likely that the syllabuses ASCs develop meet the relevant statutory requirements and the lessons learners receive in the classroom reflect this fact.

With that said, requiring ASCs to have proper regard to the guidance provided by Welsh Government will only go some way to ensuring that pupils are not exposed to insufficiently objective, critical, and pluralistic RE – in a way that violates their human rights (and those of their families) once the right to withdraw has been removed. Since the full inclusion of humanism on an equal footing with religious perspectives will be new to many ASCs, SACREs, schools, and teachers, it is vital that the regulatory framework relating to the implementation of RVE, as well as the content of any guidance issued on the matter, are specifically designed to prevent poor practice.

To illustrate, over the years we have encountered a variety of misunderstandings with respect to what constitutes proper coverage of non-religious perspectives in our work with RE stakeholders in both England and Wales. For example, with ASCs, SACREs, and teachers thinking that the need to focus on non-religious worldviews can be exhausted by consideration of arguments for and against the existence of god. This is a problem because the question of god's existence is often of little relevance to a non-religious approach to life and frames humanism as nothing more than atheism – a lack of religious belief – without addressing the substantive beliefs that humanists hold. While this level of detail may not be appropriate content for the statutory RVE framework, it does suggest the need for additional subject guidance that specifically focuses on non-religious worldviews that ASCs and SACREs should be expected to pay due regard to.

Indeed, because of the special legal status of RVE, as well as the legal ramifications for failing to take the requirement for the subject to be objective, critical, and pluralistic seriously once right to withdraw has been removed, the Welsh Government should consider drawing up an RVE code – similar to that proposed for RSE – which sets out the basic requirements that will need to be satisfied to meet this standard.

**Question 3** – Do you agree with our proposal that community schools and foundation and voluntary schools **without a religious character** must be required to have regard to an agreed syllabus in designing and implementing RVE?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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**Supporting comments**



**Key points:**

- With greater flexibility the risk that schools provide RVE lessons which are not objective, critical, and pluralistic increases;
- It is, therefore, of vital importance that schools and teachers receive sufficient guidance, training, and support in this regard;
- An RVE code could help to alleviate the situation, but, in addition, the Welsh Government will need to provide comprehensive guidance (on the law and content), as well as strong professional learning opportunities, and there will need to be proper oversight and inspection of the subject from Estyn.

For all the reasons given in our response to question 1, we firmly believe that children attending schools with no religious character ought to receive a fully inclusive education in RVE that treats religious and humanist perspectives equally. We are, nevertheless, concerned that the change from having to 'to teach in accordance with' an agreed syllabus to the requirement to 'have regard' to it so that schools have more discretion over what they teach. This could risk the rights of children and their families, especially if the guidance given to ASCs is insufficiently detailed.

As already noted, it is imperative that the RVE curriculum is objective, critical, and pluralistic. However, if schools and teachers are granted a great deal of flexibility with respect to how they meet this standard, it will become more likely that oversight and failures occur. At present, the right to withdraw acts as a partial safeguard for freedom of religion or belief in the event of poor practice. Once this is abolished, lessons which fail to meet the statutory standards will immediately jeopardise the human rights of those receiving them. In other words, when RVE is introduced there will be less room for error than under the current regulatory regime, so it is more important that the subject is taught well and the curriculum meets the required standards. Granting schools the freedom to innovate before these standards have been properly digested and understood puts learners' rights at risk and opens schools up to litigation on this basis.

Of course, many of these issues could be eliminated by the provision of an RVE code (see above), alongside comprehensive guidance which explains the law – both with respect to what it means for a curriculum to be objective, critical, and pluralistic, and what 'having regard to' the agreed syllabus will mean in this context – as well as on the content of RVE itself. This could also be supplemented by additional training for teachers and proper oversight by school inspectorate Estyn. What's more, in circumstances where the ASC has failed to adequately meet the necessary standards (a situation which, unfortunately, has been all too common in the past), greater flexibility might actually enable schools to provide a better syllabus than the one developed at a local level (although the new arrangements should of course strive for this not to be the case). Nevertheless, it is worth pointing out that, unlike other areas of the curriculum where the link to human rights law is not so direct, RVE is particularly open to misinterpretation, so a more prescriptive approach may be desirable, especially at the outset.

**Question 4** – Do you agree with our proposal that parents/carers of learners in schools **without a religious character** must no longer be able to request provision of RVE in line with tenets of a particular faith?

Agree	✓	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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## Supporting comments

**Key points:**

- This proposal will ensure all learners in schools without a religious character receive RVE that is critical, objective, and pluralistic;
- The proposal is fully justifiable in human rights law as, although the state must not provide an education which imposes beliefs that are contrary to those of parents (as could happen in a faith school in the absence of a right to withdraw or an alternative curriculum), there is no such requirement to provide an education that exactly reproduces or inculcates parental convictions.

We firmly support this proposal. As already noted in our response to question 1, one of the underlying purposes of the new curriculum is to produce ‘Ethical, informed citizens who are ready to be citizens of Wales and the world.’<sup>13</sup> One of the best ways to do this will be to introduce RVE which is fully objective, critical, and pluralistic to the largest number of learners possible. Since beyond the currently provision which the Welsh Government intends to scrap, there is no legal compulsion for the state to provide a form of education which precisely reproduces the beliefs of parents,<sup>14</sup> merely one that respects and does not seek to override them via illegitimate indoctrination, there is no need for the state school system to provide this sort of instruction on behalf of parents. Indeed, because these lessons will necessarily take place at the same time as pluralistic

<sup>13</sup> See e.g. Welsh Government *Developing a Vision for Curriculum Design* (2020) <<https://hwb.gov.wales/curriculum-for-wales/designing-your-curriculum/developing-a-vision-for-curriculum-design/#curriculum-design-and-the-four-purposes>> [accessed 19 June 2020].

<sup>14</sup> As the European Court of Human Rights guidance on A2P1 points out, the right to education does not require that any state ‘establish at their own expense, or to subsidise, education of any particular type or at any particular level’ (European Court of Human Rights *Guide on Article 2 of Protocol No.1 to the European Convention on Human Rights* (2020) p.5 <[https://www.echr.coe.int/Documents/Guide\\_Art\\_2\\_Protocol\\_1\\_ENG.pdf](https://www.echr.coe.int/Documents/Guide_Art_2_Protocol_1_ENG.pdf)> [accessed 21 June 2020]). This is further evidenced by the outcome of the *Belgian Linguistic Case*, where the Court found that it was not discriminatory for the state not to provide schools which taught French even when this was the language spoken at home and many parents would have preferred such schools (*Case ‘relating to certain aspects of the laws on the use of languages in education in Belgium’ v. Belgium* (merits) (1968)) <<https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%5B%22001-57525%22%5D%7D>> [accessed 21 June 2020].

RVE, there is very good reason to avoid doing so as the children attending them will be denied the opportunity to receive and contribute to more pluralistic RVE.

**Question 5** – Do you agree with the proposal that voluntary-controlled schools **with religious character** can teach RVE in accordance with the trust deeds of the school or the tenets of the faith of the school **if requested by parents/carers**?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Supporting comments

#### Key points:

- VC schools should teach the locally agreed syllabus by default;
- However, because there is no human rights requirement to provide education that exactly reproduces or inculcates parental convictions (see above), the parental right to demand a faith-based version of the subject should be removed;
- If right to demand faith-based RVE is removed in VC schools, Government should also remove requirement for up to a fifth of teachers in VC schools to be appointed on the basis of their 'fitness and competence' to teach faith-based R(V)E;
- If the right to demand faith-based RVE is retained, from Year 10 onwards (and in line with the law on *Gillick competence*), older pupils should be permitted to opt back in to agreed syllabus lessons if they wish.

We strongly support the proposal that voluntary controlled schools teach the inclusive RVE syllabus by default. However, we think the right that parents with children attending such schools currently have to demand an alternative in line with the religion of the school should be abolished.

As pointed out in our response to question 4, where objective, critical, pluralistic RVE is taught, there is no good reason for the state to provide a partisan alternative. What's more, to our knowledge, the number of families who currently exercise this right is minimal. Therefore, this provision is both unpopular and unnecessary. Since a similar right in schools without a religious character is set to be abolished and the same reasons that legitimise that decision apply in the case of voluntary controlled faith schools, we

think the situation in voluntary controlled schools should fully mirror that of schools without a religious character.

In the event that it is decided to remove the right to demand faith-based RVE in VC faith schools, the Welsh Government should then reconsider the appropriateness of the current law allowing such schools to select or specifically appoint up to one fifth of the teachers in these schools on the basis of their 'fitness and competence' to give religious education in line with the 'school's trust deed or with the tenets of the school's specified religion or religious denomination'<sup>15</sup>

If the Welsh Government decides that this isn't possible, we think that, at the very least, older children (i.e those aged 14 and over who, as explained in more detail in our response to question 6, are already given some power to make educational choices in their selection of which subjects to study for GCSEs) should be granted the power to opt-in to RVE lessons which follow the agreed syllabus. This will help to bring policies surrounding RVE into line with the case law on *Gillick competence*<sup>16</sup> – whereby a child or young person who has 'sufficient maturity' is empowered to make self-regarding decisions – as well as the Human Rights Act<sup>17</sup> and article 14 of the UN Convention on the Rights of the Child (UNCRC),<sup>18</sup> according to which freedom of religion or belief is a right. We further note that such a provision would bring the current policy into line with the Rights of Children and Young Persons Measure 2011 which stipulates that 'Welsh Ministers must, when exercising any of their functions, have due regard to the requirements of [the Convention]'.<sup>19</sup>

**Question 6** – Do you agree that **voluntary-aided schools with a religious character** should be **required** to teach the agreed syllabus **where a parent/carers requests it** and should not have discretion to refuse to do so?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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### Supporting comments

<sup>15</sup> School Standards and Framework Act 1998 Sec. 58 (2) <<http://www.legislation.gov.uk/ukpga/1998/31/section/58>> [accessed 14 July 2020].

<sup>16</sup> *Gillick v West Norfolk and Wisbech AHA* [1985] UKHL 7 (17 October 1985) <<https://www.bailii.org/uk/cases/UKHL/1985/7.html>> [accessed 13 July 2020].

<sup>17</sup> Human Rights Act 1998, Article 9 <<http://www.legislation.gov.uk/ukpga/1998/42/schedule/1>> [accessed 13 July 2020].

<sup>18</sup> United Nations Convention on the Rights of the Child 1989, Art. 14 <<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>> [accessed 13 July 2020].

<sup>19</sup> Rights of Children and Young Persons (Wales) Measure 2011 <<http://www.legislation.gov.uk/mwa/2011/2/section/1>> [accessed 14 July 2020].

**Key points:**

- Government should introduce parental right to demand agreed syllabus RVE that VA schools have no discretion to refuse;
- Rather than defaulting to the faith-based syllabus, parents should be given an explicit choice between this and agreed syllabus RVE, or, schools should be required to fully inform parents (and older children) of their right to demand the subject in accordance with the agreed syllabus on a regular basis;
- Older pupils in these schools (year 10 and 11) should be given the power to opt-in to RVE taught according to the agreed syllabus to fully respect their rights to freedom of religion or belief;
- VA schools should be required to retain a suitable number of 'reserved' teachers who are trained to teach pluralistic RVE, and the legal provision that allows these teachers to be selected, remunerated, promoted, or dismissed according to faith should be removed;
- Teachers should understand the difference between objective, critical, objective RVE and that taught from a faith perspective, as well as the legal ramifications of not taking this difference seriously. Welsh Government should consider publishing guidance on this issue;
- Inclusive RVE taught according to the locally agreed syllabus must be inspected by Estyn rather than denominational bodies in this context;
- Estyn should also inspect procedures for selecting agreed syllabus RVE including with respect to transparency.

As already mentioned in our response to question 1, we believe that the ideal state of affairs with respect to the introduction of the new, inclusive RVE curriculum would be for it to be compulsory in all schools irrespective of their religious character. This would ensure that, as per the vision of the Religious Education Council for England and Wales, every learner in Wales would receive 'a personally inspiring and academically rigorous education in religious and non-religious worldviews.'<sup>20</sup>

However, short of that, we cautiously support the proposal to require that voluntary aided schools teach RVE according to the agreed syllabus when parents demand it. We certainly agree that such schools should not be able to refuse this request and think that this represents a marked improvement on the current situation whereby parents who do not share the faith of the school their child attends – something which is particularly common in rural areas where the local faith school may be the only school available – are compelled to choose between exposing their child to a potentially indoctrinatory

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<sup>20</sup> Aims, Vision and Values, Religious Education Council for England and Wales <<http://religiouseducationcouncil.org.uk/about/how-the-rec-works/aims-vision-and-values>> [accessed 19 June 2020].

faith-based approach to RE and exercising their right to withdraw altogether, risking isolation from peers as well as depriving their child of a vital aspect of their education.

We do nevertheless think that there are some ways in which the proposals should be improved and/or further clarified:

**1) Process for demanding agreed syllabus RVE**

Since the right to demand RVE in accordance with the agreed syllabus will serve as a vital protection for the freedom of religion or belief for families whose children attend voluntary aided schools, the Welsh Government must establish a process to ensure that parents are regularly informed of their rights in this regard (e.g. at the start of every academic year or at the point any new pupil joins the school). Ideally, VA schools should be required to explicitly ask parents to select the type of R(V)E they prefer, rather than simply defaulting to faith-based RE unless told otherwise. This will help to ensure that all parents make the choice that they think is right for their children, and would prevent children feeling singled out when their parents make this choice. It is hard to see what grounds faith providers would have for legitimately objecting to it, given that it is only allowing for what parents and pupils want.

Failing this, VA schools should at the very least be required to make it known to all parents that another option is available, and reference to the right to demand agreed syllabus RVE should feature in every school's published policy for the subject (which should be available both on request and via the school's website).

**2) Right to demand agreed syllabus RVE for older pupils**

From Year 10 onwards, pupils themselves should be granted the power to request inclusive RVE in-line with the locally agreed syllabus. As already noted with respect to voluntary controlled schools, this would better respect the rights of children and young people and fits more closely with the requirement for policy decisions to take proper account of the UNCRC than either the current or proposed arrangements. What's more, given that children are currently expected to exercise a degree of choice over what they will be taught in years 10 and 11 when they select their GCSE options at the end of year 9, there is a clear point at which it would be reasonable to begin to offer this alternative.

**3) Teacher training, recruitment, and dismissal**

Since RVE that follows the agreed syllabus will be new to teachers in voluntary aided schools, it is vital that they are properly trained to understand the key differences between the faith-based approach and that taken when teaching the agreed syllabus. Any failure to take these differences seriously could lead to breaches of the right to freedom of religion or belief of learners and their families as outlined above. For this reason, the Welsh Government should, at the very least, produce additional guidance outlining these differences, the basic features of non-confessional RVE, and the legal ramifications of failing to meet the standard of being sufficiently objective, critical, and pluralistic, alongside a clear

explanation of what this will mean in practice (e.g. through a list of do's and don'ts/ clear examples).

At present, VA faith schools are legally permitted to give preference 'in connection with the appointment, remuneration or promotion of teachers... whose religious opinions are in accordance with the tenets of the religion'. They can do this for all teachers.<sup>21</sup> Faith is often seen as a particularly important requirement for RE teachers. However, when the right to demand agreed syllabus RVE is introduced, it will be necessary for at least some of the teachers in every VA faith school to be able to teach using the more objective approach adopted by the agreed syllabus. There should, therefore, be a requirement for every school to retain a suitable number of teachers who are willing and able to teach in this way. This could mirror the current requirement for reserved teachers in VC schools mentioned in response to question 5 (although, as already noted, if the requirement for VC faith schools to teach faith-based RVE on demand is removed (as we think it should be), then it would be appropriate to remove this provision in that context and only provide for a proportion of reserved agreed syllabus teachers in VA schools).

What's more, the current law allows VA faith schools to terminate the employment of a teacher if 'any conduct on his part... [is deemed] incompatible with the precepts, or with the upholding of the tenets, of the religion or religious denomination' of the school<sup>22</sup>. Because of this, it will be necessary for the new law to reflect the fact that such schools will need to employ teachers who teach RVE which is not faith-based and to clarify that teaching RVE in an objective manner does not constitute a violation of this provision. Otherwise there is a serious risk that some VA schools could work against the intent of the law simply by refusing to employ suitable teachers for teaching agreed syllabus RVE. This is a particular concern given the Catholic heads' recorded objections to this requirement.<sup>23</sup> The present arrangements represent a clear conflict of interest, for them, between what their church wants and what the law allows, that is open to abuse.

#### **4) Inspection and monitoring**

Currently, RE in VA schools is inspected by a denominational body chosen by the governors.<sup>24</sup> Since those responsible for inspecting faith-based RE cannot be guaranteed to have the requisite skills or expertise for inspecting inclusive RVE, and may misunderstand the requirement to provide RVE which is objective, critical, and pluralistic, we think it is crucial that, where the provision is in

<sup>21</sup> School Standards and Framework Act 1998, Sec.60 (5) a <<http://www.legislation.gov.uk/ukpga/1998/31/section/60>> [accessed 15 July 2020].

<sup>22</sup> Ibid. 60 (5) b.

<sup>23</sup> Wales Online 'Catholic schools call for changes to RE in Wales to be scrapped' (23 June 2020) <<https://www.walesonline.co.uk/news/education/catholic-schools-religious-education-wales-18470657>> [accessed 17 July 2020].

<sup>24</sup> Education Act 2005, Sec.50 (2) <<http://www.legislation.gov.uk/ukpga/2005/18/section/50>> [accessed 14 July 2020].

operation, it is inspected by Estyn. When inspecting VA schools, Estyn should also be expected to consider the extent to which schools are adequately and transparently making parents and, if our suggestion is adopted, older children aware of this option (e.g. through the explicit opt-in process highlighted above), and making sure there is appropriate staff provision for inclusive RVE.

To ensure issues relating to effective provision of agreed syllabus RVE in VA faith (and indeed other) schools are tackled at an early stage, the Welsh Government should consider setting up an early intervention service that is able to offer advice and guidance to parents on these matters, as well as inform schools when and how their practice is likely to be unlawful. There may also be a role for SACREs in providing guidance, as well as helping to monitor and address any issues that arise with respect to the provision of adequately pluralistic RVE. However, to avoid the need for legal challenges in this area the Government will need to establish a process that seeks to compel (rather than merely advise) schools that fail to adequately respect the legal rights of their pupils and their families.

These additional points represent important safeguards on the provision of agreed syllabus RVE in VA faith schools. As we know these schools would likely prefer for all pupils to participate in a faith-based version of the subject, it is imperative that this potential conflict of interest is independently monitored, and not permitted to hamper the right of children and their families to access lessons that are adequately objective, critical, and pluralistic.

**Question 7** – We would like to know your views on the effects that these proposals in relation to religion, values and ethics would have on the Welsh language, specifically on:

- i) opportunities for people to use Welsh
- ii) treating the Welsh language no less favourably than the English language.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

**Supporting comments**



No response. Falls outside of our policy remit.

**Question 8** – Please also explain how you believe the proposed policy on religion, values and ethics in the Curriculum for Wales could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

### Supporting comments

No response. Falls outside of our policy remit.

**Question 9** – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

#### **About Wales Humanists:**

Wales Humanists is a part of Humanists UK. We want a tolerant world where rational thinking and kindness prevail. We work to support lasting change for a better society, championing ideas for the one life we have. Our work helps people be happier and more fulfilled, and by, bringing non-religious people together, we help them develop their own views and an understanding of the world around them. Founded in 1896, Humanists UK is trusted to promote humanism by over 85,000 members and supporters and over 100 members of the All Party Parliamentary Humanist Group. Through our ceremonies, pastoral support, education services, and campaigning work, we advance free thinking and freedom of choice so everyone can live in a fair and equal society.

We have a long history of work in education, children's rights and equality, with expertise in the 'religion or belief' strand. We have been involved in policy development around the school and the curriculum for over 60 years. We also provide materials and advice to parents, governors, students, teachers and academics, for example through our Understanding Humanism website (<https://understandinghumanism.org.uk/>) and our school speakers programme. We have made detailed responses to all recent reviews of

the school curriculum, and submit memoranda of evidence to MPs, civil servants and parliamentary select committees on a range of education issues.

We are an active member of many organisations working in education in the UK, including the Religious Education Council for England and Wales (REC), of which we are a founding member; the Welsh Association of Standing Advisory Councils on RE; and, in England, the Sex Education Forum, the PSHE Association, and the Children's Rights Alliance for England (CRAE). We have been on all Welsh and UK government steering groups that have reviewed RE in recent years.

Our support for RE is also reflected by the fact that many standing advisory councils on RE (SACREs) and agreed syllabus conferences (ASCs) have had humanist representatives (in some cases for decades), including as Chairs and Vice-Chairs.

Our primary interests in education relate to issues surrounding the curriculum (in particular RE, PSE/RSE, citizenship, and science), collective worship/school assemblies, and state-funded religious schools.

**Summary of key points:**

- It is vital that religion, values, and ethics (RVE) should encompass both religious and non-religious beliefs that are philosophical convictions (in line with the European Convention on Human Rights) as described in the consultation document;
- Any claim that the 'introduction' of non-religious worldviews into religious education will serve to 'dilute' or 'dumb down' the subject, ignores the fact that
  - a) the law already stipulates that this should be the case and the changes only seek to clarify this fact;
  - b) humanism and humanist beliefs are well-represented in Wales and thus worthy of recognition through the curriculum;
  - c) humanism is a cogent, well-developed worldview with a significant and rigorous body of literature underpinning it that is suitable for teaching in schools.
- As the only non-religious worldview that meets this standard and is common in Wales, in effect the proposal to include non-religious worldviews that are philosophical convictions means the inclusion of humanism alongside religions;
- We largely support the proposals outlined in the consultation document, particularly the parental right to demand RVE according to the agreed syllabus in VA but suggest some key improvements. These are as follows:

- a) Grant older pupils in faith schools (year 10 and 11) the power to opt-in to RVE taught according to the agreed syllabus to fully respect their rights to freedom of religion or belief;
- b) Ensure that inclusive RVE taught according to the locally agreed syllabus is inspected by Estyn rather than denominational bodies;
- c) Remove the right to request denominational R(V)E in VC schools;
- d) Remove the requirement for up to a fifth of teachers in VC schools to be appointed on the basis of their 'fitness and competence' to teach faith-based RE;
- e) Ensure that teachers in all schools, but particularly those in schools with a religious character, understand the difference between objective, critical, objective RVE and that taught from a faith perspective, as well as the legal ramifications of not taking this difference seriously. Welsh Government should consider publishing guidance on this issue;
- f) Require that a suitable number of 'reserved' teachers in VA schools are trained to teach pluralistic RVE, and remove the legal provision that allows such teachers to be selected, remunerated, promoted, or dismissed according to faith;
- g) Require that VA schools with a faith character provide parents with an explicit choice between faith-based and agreed syllabus RVE, or at the very least, fully inform parents (and older children) of their right to demand the subject in accordance with the agreed syllabus. This should be done through school policy documents, the school website, and parents should be provided with regular reminders every academic year/ when new pupils join the school;
- h) Estyn to inspect requirements (e), (f) and (g) as part of their inspection regime in VA schools.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

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