

1) About us

The British Humanist Association (BHA) is the national charity representing the interests of the large and growing population of ethically concerned non-religious people living in the UK. It exists to support and represent people who seek to live good and responsible lives without religious or superstitious beliefs.

The BHA is deeply committed to human rights, equality, democracy, and an end to irrelevant discrimination, and has a long history of active engagement in work for an open and inclusive society. In such a society, people of all beliefs would have equal treatment before the law, and the rights of those with all beliefs to hold and live by them would be reasonably accommodated within a legal framework setting minimum common legal standards.

Our expertise lies in the 'religion or belief' equality strand, which includes non-religious beliefs such as Humanism, and how that strand relates to and intersects with other protected characteristics. We also work closely with others on wider equalities issues in a range of forums.

Our former Chief Executive served on the government's steering group when the EHRC was being developed and on the reference group for the 2006 Equalities Review and Discrimination Law Review. Since then we have remained active as a stakeholder of the EHRC both as members of the Religion or Belief Consultative Group and individually.

2) General comments on the non-statutory guidance

The British Humanist Association (BHA) is pleased to take this opportunity to comment on the EHRC Equality Bill Non Statutory Draft Guidance.

- a) We applaud the inclusion in the guidance of examples relating to individuals discriminating against service users and colleagues on grounds of sexual orientation basing their 'justification' for this discrimination on their religion or belief. We believe that the guidance seeks to make clear that this is unacceptable and should be treated in the same way as any other discrimination. We agree that the use of case law is useful within the examples and believe that it is of paramount importance that these examples remain.
- b) The BHA is concerned regarding the use of language within the documents. Although it is made clear that the correct terminology based on the legislation is 'religion or belief,' the documents routinely refer to 'faith,' 'religion,' 'religious or other belief,' 'religious organisation,' 'religious discrimination' and 'faith schools.' All instances should refer to 'religion or belief' for continuity and to remain cohesive with the legislation. In the definition of the term 'religion or belief' we believe that the inclusion of what is not a belief would make this section clearer. For example 'political beliefs or beliefs in scientific theories are not beliefs'.
- c) We would also prefer the word 'philosophical' to be removed from this paragraph, with added emphasis on examples e.g. 'Examples of beliefs include Humanism and Atheism'.

- d) We are concerned about the overall lack of balance in the guidance with regard to balancing the needs of all service users/employees etc. More examples where actions would not be illegal- e.g. indirect discrimination in employment where they could prove that the discriminatory policy was to achieve a legitimate aim- would be useful. In addition, some examples need rewording- they state 'this is likely to be unlawful' without adding the caveat where the action would not be unlawful- e.g. if the service provider believed that accommodating the needs of those with a protected characteristic would mean unreasonably disadvantaging other service users.

We believe that this is particularly important on the grounds of religion or belief as it must be made clear that employers and service providers do not have to accommodate religion or belief practices if this will affect their business, mean unreasonable changes being made, affect the level of service provision for other service users and can be proven to be proportionate in achieving a legitimate aim. Failure to make this clear could lead to disadvantage and discrimination for those who do not practice a religion or belief and the unintentional privileging of those who do.

- e) We would like to make the EHRC aware that we fully endorse and support the submission to this consultation made by the Accord Coalition of which the BHA is a member. The comments and suggestions made in that submission can therefore be considered as being from two organisations.

3) Specific comments on 'What the Equality Act 2010 means for you in accessing services and public functions or belonging to an association' / 'What the Equality Act 2010 means for you in providing services and public functions or running an association'

Chapter 1

- Section 1.4) The inclusion of what is not a belief would make this section clearer, as it is the explanatory notes to the Equality Bill. For example 'political beliefs or beliefs in scientific theories are not beliefs'.

We would also prefer the word 'philosophical' to be removed from this paragraph, with added emphasis on examples e.g. 'Examples of beliefs include Humanism and Atheism'.

- Section 1.2) The document gives a list of services covered by equality law. It states: "those provided to the public by local councils, government departments and agencies." We recommend that this is clarified with the addition of 'and those running a service contracted by those bodies.'
- We applaud the inclusion in the guidance of examples relating to individuals discriminating against service users and colleagues on grounds of sexual orientation basing their 'justification' for this discrimination on their religion or belief. We believe that the guidance seeks to make clear that this is unacceptable and should be treated in the same way as any other discrimination. We agree that the use of case law is useful within the examples and believe that it is of paramount importance that these examples remain.
- At various points throughout the document the term 'faith' is used to describe a particular religion or belief. We recommend that this be changed to religion or belief in order to

remain consistent with the language in the legislation. Similarly, any reference to 'religious belief' or 'religion' must be changed to religion or belief.

- At various points throughout the document, reference is made to a section in Chapter 4 regarding exemptions for religious organisations letting or disposing of premises. However, there is no reference to this in Chapter 4. Either this section has to be included in Chapter 4 or added to section 7.2. It is very important that these exemptions be covered fully by the guidance to make clear that they are narrow exemptions to be used with caution in specific circumstances, rather than blanket get out clauses.
- The drafts refer to the Human Rights Act 1998. The HRA is essentially a contract between the individual and the State, protecting the individual from abuses by the State, and enshrining certain 'positive' individual rights. In the context of public services, the HRA is of great importance for the protection of the rights of service users. However, only a narrow range of service providers are deemed by British courts to be public authorities, and it is only those with public authority status who are bound by the HRA.

In practice, this means that 'pure' public authorities, such as government departments, the police, NHS Trusts, local authorities and so on are covered by the HRA – and so service users have recourse to legal action should their human rights be breached by their service provider. However, a feature of contemporary Britain is the increasing marketisation of public services, with many and varied services, from housing to after-school clubs, from social care services to welfare and employment services, being contracted out to private and third sector providers. This means that increasing numbers of service users are left at a lottery as to whether they are covered by the HRA or not.

A particular feature of the Government's policy of contracting out public services is the inclusion of religious, often highly evangelical, organisations as service providers. We think there are real risks that religious service providers in particular may wish to infringe on the rights of service users. We know from

We know, for example, that some religious organisations who do or wish to provide public services on behalf of the State are openly opposed to being 'public authorities'. In 2006, for example, the Salvation Army stated in its memorandum to parliament's Joint Committee on Human Rights for its call for evidence on the meaning of public authority, that 'whilst it is appropriate for the state to be religiously neutral, this is impossible for an organisation such as The Salvation Army, which delivers its services as a direct outworking of the Christian faith'.

It could be useful for the public authority 'loophole' to be mentioned in the final guidance, in order to make clear that many of those organisations performing public functions may not, in fact, be covered by the HRA and further have actively opposed being covered by the HRA, should it interfere with their ability to discriminate.

Chapter 2

- Section 2.5) We recommend that more information is included here regarding the sensitivity of such data and the possible consequences of inaccurate data. In particular, the BHA is concerned about the collection of data regarding religion or belief because of the issue regarding accuracy of data on religion or belief with results often differing depending on the wording of the question asked.

For example, official statistics are recognised to be inaccurate due to a problem with the question on religion or belief in the 2001 Census. In addition, statistical information regarding sexual orientation is difficult to find as the 2001 Census did not include a question on this.

Great caution should be taken in this guidance when referring to the suitability of use of monitoring data on religion or belief. The census does not measure religion or belief in any meaningful way. Rather, the Office for National Statistics understands the religion question to be a proxy question for ethnicity. This is in order to capture the Jewish and Sikh populations, both of which are captured under race legislation but are not included in the ethnicity category in the census, as they should be, rather than the religion category. The result is that a very loose, cultural affiliation is 'measured' by the census in terms of religion or belief, with particular over-inflation of the Christian figure, and an undercounting of the non-religious population. That the census data on religion is most definitely not suitable for use by employers or service providers, should be made clear in the guidance. In addition, the sensitive nature of information pertaining to sexual orientation or religion or belief should be highlighted due to privacy issues.

- Section 2.6) An example is given regarding a golf club which promotes itself as a venue for weddings with suppliers in place to understand Hindu and Muslim needs. The example goes on to say that the Asian members of the community benefit through increased access. It is concerning that the guidance equates ethnicity and religion or belief in this way as it may lead businesses to attempt to improve their reach to members of a certain ethnicity via their presumed religion or belief. This approach would be flawed and could lead to stereotyping and actions based on assumptions of needs which do not exist. We recommend that this example be changed to read 'Hindu and Muslim members of the community benefit.'
- Section 2.6) In the section on action to encourage participation in activities the guidance suggests that service providers use statistics as evidence to show that action needs to be taken as participation in an activity is disproportionately low. With regard to the religion or belief strand, this is highly problematic as official statistics are recognised to be inaccurate due to a problem with the question on religion or belief in the 2001 Census. In addition, statistical information regarding sexual orientation is difficult to find as the 2001 Census did not include a question on this. These issues should be highlighted in the guidance as should issues of privacy and the sensitive nature of such information. (see our comments on section 2.5)

Chapter 3

- Section 3.2) In the section on equality training, the importance of ensuring assumptions are not made about a person because of their religious belief is emphasised. This should be changed to religion or belief. The point should also be made that it is not acceptable for service providers to assume that all people self identify as having a religion or belief, or that their beliefs are religious.

Chapter 5

- Section 5.2) This section includes an example suggesting that customers might object to a fellow customer preaching to them because they may be a humanist, atheist or have a different religion. Firstly, this has the danger of maintaining the view that humanists and atheists are particularly against religion so should read 'because they are of a different

religion or belief.' Secondly, customers may not wish to be preached at even if they are of the same religion or belief as this is not their expectation or purpose when entering the shop. Thirdly, this does not make it clear that preaching by a member of staff may also be unlawful as it not part of the normal service of the business and may amount to direct discrimination against service users on the grounds of religion or belief as they may no longer feel comfortable accessing the service in such a context.

Chapter 7

- Section 7.1) The document states: "If a charity is offering membership, it can ask someone to make a statement to say or imply that they are a member of a particular religion or belief or accept that religion or belief in order to become a member of the charity, but only as long as this requirement has existed since before 18 May 2005." This exception is included in the Bill with the almost sole purpose of permitting the Scouts and Guides to discriminate against humanists and other atheists.

Although they describe themselves as inclusive organisations, and receive large amounts of public funds, the Scout Association and Girlguiding UK both have membership criteria which specifically excludes atheists from admission into their organisations, whether as children wishing to be members or as adults wishing to work or volunteer with them. No other group is excluded from the Scouts and Guides on religion or belief grounds and the British Humanist Association believes this to be unfair and discriminatory.

However, as the exception will still be permitted in the Equality Act 2010, we think this paragraph should be expanded and supplemented with an example of how the Scouts and Guides are allowed to refuse membership to atheist children and adults. This is particularly important as it emphasises that this exception does not apply widely.

- Section 7.2) The Chapter includes a definition of a religious organisation. This section contains very inconsistent terminology and, as such, we strongly recommend that these paragraphs are re-worded for accuracy and transparency. If this section is specifically about 'Religious organisations', then it would not exist, for example, to advance a 'belief', as is suggested in the draft guidance. The British Humanist Association is most certainly not a 'religious organisation'. The section would be better renamed 'Religion or belief organisations'.

Additionally, we find this term confusing as it is mentioned only once in the Equality Bill in a specific context. The correct term therefore, should be 'organisations with an ethos based on religion or belief.'

- Section 7.2) This section also refers to the fact that 'in some situations' religious organisations and people acting on their authority can restrict access to services. The section detailing these situations needs to include additional examples in order to make clear that this is a restricted exemption which should be used to a minimum. Situations where it is not admissible should also be given for the sake of balance.
- Section 7.2) This section also notes that the exemption regarding sexual orientation does not apply when the religious organisation is contracted by a public body. It would be useful in this paragraph to state that there is not a similar prohibition against discrimination by religious organisations working under contract on grounds of religion or belief. This is important as this exemption is not lawful on any other grounds and is very specific. This could be supplemented with an example of where a religious organisation working under

contract to provide a public service, refuses to provide the service to a humanist, and where this would be lawful.

Chapter 11

- Section 11.3) In the section on ambulance services the document refers to the example of a patient transport service who adjusts their rota for a Muslim patient who wishes to return home earlier on a Friday so that he can attend prayers. We consider this example to be oversimplifying the issue as it fails to mention that the service provider should only do this if it does not discriminate against or disadvantage patients of other religions or beliefs (e.g. by forcing them to change their transport time or reducing their choice about the service), and could only be expected to offer such a change in service if it was reasonably practicable to do so with regard to staffing and resources. The example is also equated with an example of reasonable adjustment for a disabled patient. We do not believe that a 'need' arising from a religion or belief should be equated with a need for reasonable adjustment to allow a disabled service user to access the service as religion or belief is a characteristic which is subject to choice and is not a physical barrier to access. In addition, the particular religion or belief 'need' cited in the example is not a requirement of that particular religion or belief in that the patient is not required to pray at any particular place so they could have left the hospital at the normal time and still met the requirements of their religion or belief by praying at the hospital.

The BHA supports the principle of 'reasonable accommodation', where needs stemming from religion or belief may be accommodated, if they are reasonable and do not cause a detriment to others. In these sections of the draft guidance, we would like to see more emphasis on the rights of others, and for the guidance to make clear that it is not unlawful not to make special accommodations for religious needs.

We therefore recommend that this example be removed.

- 4) **Specific comments on 'What the Equality Act 2010 means for you as an employer' / 'What the Equality Bill means for you at work: a guide for employees.'**

Chapter 1

- Section 1.4) The inclusion of what is not a belief would make this section clearer, as it is the Explanatory Notes to the Equality Bill. For example 'political beliefs or beliefs in scientific theories are not beliefs'.

We would also prefer the word 'philosophical' to be removed from this paragraph, with added emphasis on examples e.g. 'Examples of beliefs include Humanism and Atheism'.

- The document uses the term 'religious or other belief' in various places in the chapter. This should be changed to 'religion or belief, or lack of religion or belief' in order to include those who do not self identify as having any particular religious or non-religious beliefs.
- Section 1.9) The document states: "Normally, an employer would state that an occupational requirement had been applied to a post or role, for example, in the advertisement or person specification."

This should be changed to “An employer should always state” in order to reflect the importance of being transparent about the use of occupational requirements and in informing applicants so that they can decide whether to apply for the job. To do otherwise could mean that people who apply for the job are unaware that they will be considered unsuitable for the post at a later stage in their application.

- Section 1.9) The document states: “In addition, employers with an ethos based on religion or belief can in limited circumstances choose who to employ based on other protected characteristics: gender reassignment, marriage or civil partnership status, sex and sexual orientation.”

This is not an accurate explanation of the law. Employers with an ethos based on religion or belief may NOT choose who to employ based on the protected characteristics suggested. They may, in limited circumstances discriminate in employment only on grounds of religion or belief and only where it is an occupational requirement and the application of the requirement is a proportionate means of achieving a legitimate aim.

The circumstances for discrimination on other grounds as described are only for very limited circumstances, where the employment is for the purposes of an organised religion, e.g. for Ministers of religion. That exception may not be used by organisations with an ethos based on religion or belief to discriminate against their employees on grounds of sexual orientation, or any other ground.

It is not legal, for example, for a charity with a Catholic base to refuse to employ gay staff. This must be made absolutely clear in the guidance.

The BHA also supports the call for the proposal that a clause is included that requires religion and belief organisations to write a statement of ethos and set out the related Occupational Requirements. Such a clause, requiring an ethos statement and clarity about the related ORs, would assist the organization in making clear to all (internally and externally) its identity and values and clarifies why and how the organization has understood the need to make exceptions to the law.

Chapter 2

- Section 2.3) In the section on staff forums the document gives a list that says “A good staff forum needs.” Added to this list needs to be the suggestion that a forum should be as representative as possible across the equality strand it seeks to represent e.g. the religion or belief forum must include representation for non-religious people.
- Section 2.4) In the section on monitoring the document suggests that organisations use monitoring data to “compare it with regional representational data to see how far your workforce reflects their local community.”

With regard to the religion or belief strand, this is highly problematic as official statistics are recognised to be inaccurate due to a problem with the question on religion or belief in the 2001 Census. In addition, statistical information regarding sexual orientation is difficult to find as the 2001 Census did not include a question on this.

Great caution should be taken in this guidance when referring to the suitability of use of census data on religion or belief. It does not measure religion or belief in any meaningful way. Rather, the Office for National Statistics understands the religion question to be a proxy question for ethnicity. This is in order to capture the Jewish and Sikh populations, both of which are captured under race legislation but are not included in the ethnicity category in the census, as they should be, rather than the religion category. The result is that a very loose, cultural affiliation is 'measured' by the census in terms of religion or belief, with particular over-inflation of the Christian figure, and an undercounting of the non-religious population. That the census data on religion is most definitely not suitable for use by employers or service providers, should be made clear in the guidance.

In addition, the sensitive nature of information pertaining to sexual orientation or religion or belief should be highlighted due to privacy issues.

Chapter 3

- Section 3.2) When giving examples where people may self select out of roles which may be unsuitable for them, the document says “An atheist would probably not apply for a job with a religious charity, even if the role was not directly related to the religion.” We do not believe this to be a useful example as it would depend entirely on the individual concerned, the nature of the role and the nature of the organisation. We also know this to be simply untrue: there are many atheists who work for charities with a religious connection.

A more likely explanation is that atheists may be discouraged or put off from applying for jobs because they either believe that because they are not of the “right” religion they shouldn’t apply anyway and/or because the job advert, legally or not (and we don’t believe that they are being monitored) specifically states that a religious requirement has been put on the job. The guidance should make clear that only in a very limited number of circumstances, and for very few roles is it appropriate or legal for religious organisations to put religious requirements on jobs – and the onus should be on the employer to make clear that all are welcome to apply. Some organisations are already very good at this. Also, if the EHRC does have the power to investigate potentially discriminatory adverts, which may well be the cause of people “self-selecting” out of roles, then this should be made clear in the guidance, with the appropriate contact details for people to report them to. We therefore strongly recommend that this example be removed.

- Section 3.4) When discussing the use of mediation, the document states that it can be used “When one person’s right not to be discriminated against is in conflict with someone else’s right.” We do not recognise this as a useful concept. The right not to be discriminated against is unlikely to be effected by the rights of someone else. E.g., the right to manifest a religion or belief is limited to actions which do not infringe on the rights of others and thus does not extend to the ‘right’ to discriminate against others. We therefore recommend that this example be removed or reworded.

Chapter 4

- In some cases in this chapter, the document refers to ‘religion’ as a protected characteristic. This is incorrect as the characteristic is religion or belief. We strongly recommend that this be changed to reflect the full strand and to accurately reflect the legislation.

Chapter 7

- Section 7.3) The document discusses facilities for people who are practicing a particular religion or belief at work under the phrase “those with a religion or belief system.” This phrase is highly dubious and is not recognised in either legislation or common understanding. We recommend this is changed to “those practising a religion or belief.”
- Section 7.3) The document discusses halal and kosher meat and availability in workplace restaurants. It would be helpful for the guidance to note that, if such meat is available, it should be clearly labelled to allow those who do not wish to eat such meat to make an informed choice. It should also be noted that a blanket introduction of halal or kosher meat as the only choice of meat in a restaurant should be discouraged as it enforces religious practices onto all workers and could have consequences for those who follow different religions or beliefs or for those who believe that slaughter without pre-stunning is unethical or against animal welfare. It is antithetical to the foundations of equality to ensure access to choice for those practising a particular religion or belief yet remove that choice from others via blanket policies or bad labelling.

Chapter 8

- Section 8.2) The document raises the issue of flexible working regarding religion or belief. We believe that the effect on other employees should be taken into account when deciding on flexible working patterns for religious practices. If, for example, an employee is disadvantaged by the fact that a colleague is given time off during working hours for religious practices (e.g. by being given less choice on when to take breaks etc) this must be taken into account. The guidance should reflect this.
- Section 8.3) The document states: “For example, refusing a request from a lesbian employee to attend a friend's funeral but granting a similar request from a heterosexual woman, or allowing one employee time off for a religious festival but not allowing another to attend a Humanist funeral.”

We consider that this shows a worrying lack of understanding of Humanism. A humanist funeral is not the equivalent of a religious festival. Humanists do not have particular festivals although there are days of specific interest to humanists such as Darwin Day and World Humanist Day.

The example would read better if it stated that it may be discriminatory to allow one individual time off for a religious funeral but refusing another time off for a humanist funeral.

We would also like to reiterate our point about taking into account the needs of other employees when giving people time off for religious holidays. For example, having a policy which allows holiday requests from religious employees relating to festivals to take precedence over any requests from non-religious employees may be indirect discrimination against non-religious individuals, as it is disadvantaging them due to their religion or belief or lack of a religion or belief.

The BHA supports the principle of 'reasonable accommodation', where needs stemming from religion or belief may be accommodated in the workplace and elsewhere, if they are reasonable and do not cause a detriment to others. In these sections of the draft guidance,

we would like to see more emphasis on the rights of others, and for the guidance to make clear that it is not unlawful not to make special accommodations for religious needs.

Chapter 12

- Section 12.3) The document states the following as an example of harassment: “A worker is a devout Catholic and decides to challenge a colleague because she is offended by their use of ‘Jesus Christ’ and ‘Oh my God’ in everyday conversation.”

Equality legislation should not be used to restrict freedom of speech or protect people from all types of offence. It should also not be used to allow people of any religion or belief to try and enforce their beliefs on to others. There is no blasphemy law in the UK and the casual use of ‘Jesus Christ’ and ‘Oh my God’ in everyday conversation is almost definitely not a form of harassment.

We strongly recommend that this example be removed from the guidance.

- 5) **Specific comments on ‘What the Equality Act 2010 means for you as an education provider’/ ‘What the Equality Act 2010 means for you in education: a guide for students, pupils and parents.’**

Chapter 1

- Section 1.4) The inclusion of what is not a belief would make this section clearer, as it is the Explanatory Notes to the Equality Bill. For example 'political beliefs or beliefs in scientific theories are not beliefs'.

We would also prefer the word 'philosophical' to be removed from this paragraph, with added emphasis on examples e.g. 'Examples of beliefs include Humanism and Atheism'.

- The term ‘faith schools’ occurs throughout the document and is a term which we find problematic. The term used in legislation is ‘schools with a religious character’ and we recommend the use of this term throughout in order to remain consistent with legal language.
- Section 1.4) The document states that : “Faith schools and educational institutions with a religious ethos may in some limited circumstances favour pupils or students because of their religion.” This should be corrected to read ‘because of their religion or belief.’
- In the list of exceptions that apply only to certain education providers, the reference to schools with a religious character should be clarified to read ‘Admission to schools with a religious character.’

Chapter 2

- Section 2.1) The document states that: “In order to prepare for the new duty public bodies should also start collecting information on the groups covered by all seven equality strands.” This is unclear as it could either mean that education providers should start making themselves aware of equality issues, or that providers should start collecting equality data on their service users. If it means the latter, we believe that more information is needed here

regarding the sensitivity of such data and the possible consequences of inaccurate data. In particular, the BHA is concerned about the collection of data regarding religion or belief would be hugely problematic as young people are often identified by the religion or belief of their parents rather than their own beliefs. There is also an issue regarding accuracy of data on religion or belief as results often differ depending on the wording of the question asked.

- As an aside, great caution should be taken in this guidance when referring to the suitability of use of census data on religion or belief. It does not measure religion or belief in any meaningful way. Rather, the Office for National Statistics understands the religion question to be a proxy question for ethnicity. This is in order to capture the Jewish and Sikh populations, both of which are captured under race legislation but are not included in the ethnicity category in the census, as they should be, rather than the religion category. The result is that a very loose, cultural affiliation is 'measured' by the census in terms of religion or belief, with particular over-inflation of the Christian figure, and an undercounting of the non-religious population. That the census data on religion is most definitely not suitable for use by employers or service providers, should be made clear in the guidance. In addition, the sensitive nature of information pertaining to sexual orientation or religion or belief should be highlighted due to privacy issues and education providers should be made aware of the importance of collecting data only for an agreed purpose and making service users aware of that purpose.

Chapter 3

- The following problematic terms are used throughout this chapter: 'faith,' 'faiths,' 'discriminate on religious grounds,' 'religious faiths,' 'other religions or of none' We recommend correcting these to 'religion(s) or belief(s),' 'discriminate on grounds of religion or belief,' and 'people of different religions or beliefs.'
- Section 3.3) The document states that: 'Faith schools are exempt from the requirement not to discriminate on grounds of religion or belief in relation to admissions....'

This statement is misleading due to the fact that there are different kinds of schools with a religious character (eg voluntary aided and voluntary controlled) for which different rules regarding admissions apply.

All schools with a religious character are exempt from the requirement not to discriminate on the grounds of religion or belief in their admissions under the Equality Act. However, the extent to which state-funded schools with a religious character are able to discriminate is further regulated according to the rules set out in the School Admissions Code and in schools legislation, and varies according to the status of the school (for example whether it is voluntary aided or voluntary controlled) and whether it is oversubscribed. In practice this means that some schools with a religious ethos are unable to impose religious criteria, while others generally select almost all of their pupils on religious grounds.

The guidance should be changed to reflect that.

Chapter 4

- Section 4.4) The document states that: "The religious beliefs of your students can also change over time and appropriate provision then have to be made." This should read "students may also change their religion or belief ..."

- Section 4.4) The document states that: “Assuming a uniformity in students’ cultural, linguistic, religious or lifestyle experiences could result in you, for example, indirectly discriminating against students from particular racial groups.” This should be corrected to ‘religion or belief’ rather than religious.
- The document uses the term ‘spiritual facilities’ in a list of support services. This term is problematic as it is unclear what these services are and what ‘need’ they fulfil. This should either be changed to reflect the nature of the services referred to (i.e. Chaplaincy services or spaces for prayer or reflection) or be removed.

Chapter 8

- The following problematic terms are used throughout this chapter: ‘religion and belief,’ ‘pupils of different faiths, or of no faith.’ We recommend this is changed to the correct terms of ‘religion or belief,’ and ‘pupils of different religions or beliefs.’

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