
RELIGION IN SCHOOLS

A guide for non-religious parents
and young people in Wales



ABOUT WALES HUMANISTS

Wales Humanists is part of Humanists UK. At 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. We do this because we're humanists, people who shape our own lives in the here and now, because we believe it's the only life we get.

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. We're committed to putting humanism into practice. 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.

Humanists UK has 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 understandinghumanism.org.uk, and our school volunteers programme.

Humanists UK is an active member of many organisations working in education, including the Religious Education Council of England and Wales (REC), Sex Education Forum (SEF), the PSHE Association, and the Welsh Association of Standing Advisory Councils (WASACRE), and we were active members of the Welsh Government's strategic stakeholder group for curriculum reform.



FOREWORD

This guide is intended to help non-religious parents and young people to understand their rights and the law as it relates to religion or belief in schools.

Education is fully devolved to Wales and there have been significant changes with new legislation setting a clear direction towards objective teaching, inclusivity of religious and non-religious beliefs, and a more flexible approach to the content of lessons. However, some existing legislation carried across from England is still in place, such as the requirement for daily acts of Christian worship in all state schools and the ability for schools with a religious character to control and discriminate in admissions.

Around three-quarters of young adults in Wales state that they do not belong to any religion, and two thirds of the population as a whole now say they are non-religious. It has therefore never been more important for both non-religious people and people who, regardless of their beliefs, support an inclusive education system to fully understand their rights. It is our hope that this guide will help you to do that and will enable you to be confident in challenging unlawful or discriminatory practice.



For our part, we will continue to ask for the requirement for collective worship in schools without a religious character to be replaced by inclusive assemblies, to challenge the legal freedoms of faith schools to discriminate against and segregate children, and we'll go on setting out the humanist vision of an education system that is fair, inclusive, and open to all, irrespective of religion or belief.

If ever you experience problems related to religion or belief at your school, or have any questions about our campaigns or what is in this guide, please don't hesitate to get in touch.

A handwritten signature in blue ink, appearing to read 'K Riddick'.

Kathy Riddick
Wales Humanists



CONTENTS

1. Types of School	5
2. Religion, Values, and Ethics (RVE)	7
3. Resources for including Humanism in RVE/RE	10
4. Collective worship	11
5. Withdrawing from RVE/RE or collective worship	14
6. A meaningful alternative to collective worship: Assemblies for All	17
7. School admissions	18
8. Creationism and evolution	20
9. Frequently asked questions	21
10. Contacts	28

1. TYPES OF SCHOOL

Almost all voluntary schools have a religious character, but most foundation schools and all community schools do not. Overall, 14% of schools in Wales have a religious character. If you are unsure of the school’s type, check the Government’s schools database: gov.wales/address-list-schools. The information can be found in column F of the ‘maintained’ tab on that spreadsheet.

Type of school	Community schools (cannot have a religious character)	Voluntary controlled faith schools (legally registered with a religious character)	Voluntary aided faith schools (legally registered with a religious character)
Religion, Values, and Ethics / Religious Education	Set every five years by local Agreed Syllabus Conference (ASC) and overseen by Standing Advisory Council (SAC). Must be non-confessional. Inspected by Estyn.	Set by ASC and hence non-confessional – unless parents request RVE/RE for their children is taught in accordance with the trust deeds and faith of the school. Inspected by Estyn.	Set by governors in accordance with the tenets of the faith of the school (i.e. the trust deeds), unless parents request non-confessional RVE/RE for their children as set by ASC. Inspected by person chosen by the governing body (not Estyn).
Collective worship	‘Wholly or mainly of a broadly Christian character’ but subject to SAC approval may be changed to another faith, multi-faith or spiritual.	Must be ‘in accordance with the tenets and practices of the religion or religious denomination.’	
Admissions	Determined by local authority; cannot discriminate on religious grounds. Must adhere to the Schools Admissions Code.	Determined by local authority; most cannot discriminate on religious grounds. Must adhere to the Schools Admissions Code.	Determined by governors ‘in consultation’ with local authority; can discriminate against all pupils on religious grounds if oversubscribed. Must adhere to the Schools Admissions Code.
Curriculum for Wales		Must follow.	
Creationism/Evolution	Should not teach pseudoscientific ideas such as creationism or intelligent design as scientifically valid or factual. Must teach evolution in line with the Curriculum for Wales in science.		
Relationships and Sexuality Education (RSE)	Must provide RSE in line with the RSE Code , which comprises three ‘strands’: relationships and identity, sexual health and well-being, and empowerment, safety and respect. There is no parental right to withdraw from RSE.		



Type of school	Foundation faith schools (legally registered with a religious character)	Private schools
Religion, Values, and Ethics / Religious Education	Set by ASC and hence non-confessional – unless parents request that RVE/RE for their children is taught in accordance with the trust deeds and faith of the school. Inspected by person chosen by foundation governors (not Estyn).	May teach any form of RVE or RE they like, or teach none at all, with the only limitation being that the curriculum as a whole ‘promotes tolerance and harmony between different cultural traditions’. They do not have to provide parents with rights of withdrawal if RVE/RE is taught.
Collective worship	Must be ‘in accordance with the tenets and practices of the religion or religious denomination.’	No requirement to hold collective worship, though they can choose to have it (most do). They do not have to provide parents or pupils with a right of withdrawal.
Admissions	Determined by governors in consultation with local authority; can discriminate on religious grounds if oversubscribed. Must adhere to the Schools Admissions Code.	Not subject to the School Admissions Code and are free to discriminate on the basis of religion or belief, including by refusing to admit pupils even if undersubscribed.
Curriculum for Wales	Must follow.	Does not need to follow.
Creationism/Evolution	Should not teach pseudoscientific ideas such as creationism or intelligent design as scientifically valid or factual. Must teach evolution in line with the Curriculum for Wales in science.	May teach pseudoscience including creationism as fact and can choose to dismiss evolution or not teach it at all.
Relationships and Sexuality Education (RSE)	Must provide RSE in line with the RSE Code , which comprises three ‘strands’: relationships and identity, sexual health and well-being, and empowerment, safety and respect. There is no parental right to withdraw from RSE.	Not required to teach any RSE at all, and do not have to provide parents with rights of withdrawal if it is taught.

2. RELIGION, VALUES, AND ETHICS

Education is completely devolved to the Welsh Government. The **Curriculum and Assessment (Wales) Act 2021** has made Religious Education (RE) much more inclusive of non-religious beliefs. In the new Curriculum for Wales, the subject has been renamed 'Religion Values and Ethics' (RVE) to reflect this. The new curriculum is already in place in primary schools, and is being rolled out in secondary schools gradually until 2026.

All state-funded schools in Wales are required to provide either RVE or (until 2026) RE to their pupils right the way through school, from age 3 to 16. In RVE lessons, humanism must be taught on an equal footing to religions – a first for the UK.

Each local authority has produced an agreed syllabus for RVE for all learners, up to and including Year 6, effective from 1st September 2022.

IMPLEMENTATION OF THE NEW CURRICULUM

Secondary schools will have flexibility on whether to roll out the Curriculum for Wales for Year 7 in September 2022, or Years 7 and 8 together in September 2023. During the period of curriculum roll out, as a secondary school or setting adopts the Curriculum for Wales Framework for a particular year group, the locally agreed syllabus for RVE will supersede the existing RE syllabus. From

September 2023, this new agreed syllabus will be effective for all learners, up to and including Year 8, as all schools and settings will have implemented the Curriculum for Wales for those learners. Thereafter, the phased roll out will continue as follows:

- Year 9 learners in September 2024;
- Year 10 learners in September 2025;
- Year 11 learners in September 2026.

More information on the process for opting in to the Curriculum for Wales in respect of Year 7 learners is provided on the [Welsh Government website](#).

RVE/RE IN STATE SCHOOLS WITHOUT A RELIGIOUS CHARACTER

Schools without a religious character must remain neutral on matters of religion or belief in their teaching of RVE/RE. In other words, the syllabus must not be taught from a faith-based perspective and must



not suggest, either explicitly or implicitly, that any particular set of religious or non-religious beliefs are distinctly 'true', or worthier, or more deserving of attention and study than any other.

The **law requires** that the RVE/RE syllabus:

'(a) must reflect the fact that the religious traditions in Wales are in the main Christian while taking account of the teaching and practices of the other principal religions represented in Wales; (b) [RVE only] must also reflect the fact that a range of non-religious philosophical convictions are held in Wales.'

In practice, (a) is usually interpreted as meaning that Christianity should be studied more than any other single religion or belief, though not necessarily more than all other religions and beliefs combined. And crucially, in line with established case law, the reference to 'other principal religions' here must be read as referring to religions and beliefs, including humanism. In addition, (b) shows that the teaching of humanism, and other non-religious worldviews, is now a statutory requirement.

The specific content of RVE/RE is set according to a syllabus agreed locally by an 'Agreed Syllabus Conference' (ASC) organised into three groups: representatives of religions and beliefs; teachers; and the local authority. There are 22 ASCs in Wales, each with their own syllabus (though some ASCs choose to share the same syllabus). Local syllabuses must be reviewed at least every five years, and must have regard to the **Curriculum for Wales RVE guidance**. ASCs are permanently overseen by a network of local bodies called 'Standing Advisory Councils' (SACs), which are composed similarly (usually identically) to ASCs.



RVE/RE IN STATE FAITH SCHOOLS

Voluntary controlled (VC) and foundation faith schools must provide RVE/RE in accordance with the locally agreed syllabus, as above. However, **if a parent requests** that RVE/RE be provided in accordance with the religion of the school, then this must happen.

Voluntary aided (VA) faith schools can teach RVE/RE in accordance with the religion of the school. However, in the opposite manner to voluntary controlled and foundation faith schools, parents have the **right to request** non-faith-based RVE/RE for their children in the form of the locally agreed syllabus. You can find out more about this in Chapter 5.

RELIGIOUS EDUCATION IN PRIVATE SCHOOLS

In private schools, none of the requirements imposed on state-funded schools applies. Private schools may teach whatever form of RE or RVE they like (or teach none at all), with the only limitation being that the school as a whole must fulfil its obligations to 'assist pupils to acquire an appreciation of and respect for their own and other cultures in a way that promotes tolerance and harmony between different cultural traditions'.





3. RESOURCES FOR INCLUDING HUMANISM IN RVE/RE

Humanists UK provides a range of free education resources designed to support learning about humanism. It also offers visits from humanist school speakers to provide opportunities for young people to ask their questions about the humanist approach to life.

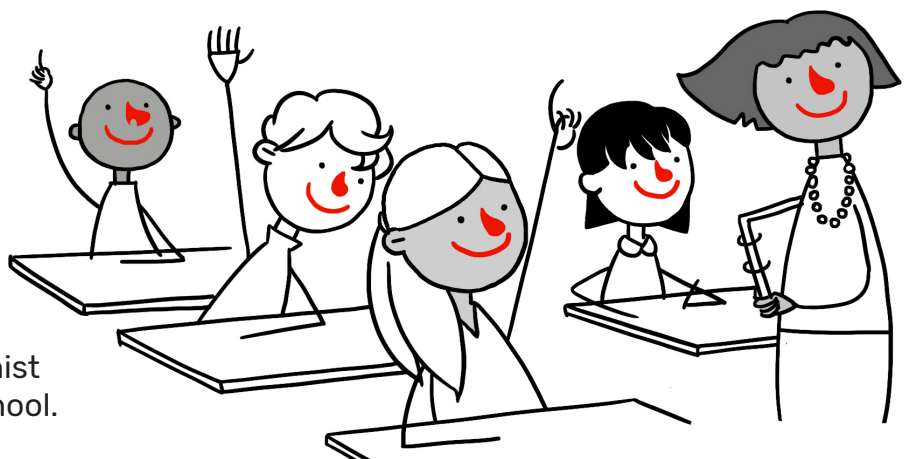
Our *Understanding Humanism* website provides teachers with comprehensive, flexible, and free resources to enable them to teach accurate, high-quality lessons about humanism as part of an inclusive education about religion and worldviews. Our resources and school speakers receive consistently positive feedback from schools. There are a selection of resources available bilingually in both English and Welsh.

The humanist approach to life is broken up into several core features to support learning about how humanists tackle life's big questions on how we can understand the world, how we should live, and how we can best live together.

Teachers are able to access information sheets, presentations, classroom activities, videos, and assessment ideas, through the site, as well as book local humanist school speakers to visit their school.

Parents can also access these resources should they wish to allow their children the opportunity to learn more about humanist perspectives at home.

Your school must include teaching about humanism in RVE/RE to be compliant with the law, and the new Curriculum for Wales. Please do encourage them to do so, and point them in the direction of [understandinghumanism.org.uk](https://www.understandinghumanism.org.uk) if they would like help in developing appropriate content. We'd particularly recommend encouraging schools to invite a visit from a humanist school speaker.



4. COLLECTIVE WORSHIP

Currently, the law requires all state-funded schools in Wales to hold daily acts of 'collective worship'. In schools with no religious character this worship must be 'wholly or mainly of a broadly Christian character', while in faith schools worship must be conducted in line with the religion and trust deeds of the school. Unlike in England, schools are inspected by Estyn on collective worship, which means that compliance with the requirement is quite high in Wales.

The requirements are enshrined in the [School Standards and Framework Act 1998](#), which builds on similar requirements in the Education Act 1996, Education Reform Act 1988, and the 1944 Education Act. The curriculum reform that has led to objective and pluralistic RVE lessons from 2022 means that these lessons will now be directly in conflict with existing requirements for narrow collective worship.

Like Humanists UK, most school leaders, teachers, and parents are concerned about the law on collective worship, particularly as it pertains to schools without a religious character, where the requirement is seen as inappropriate, unworkable, and out-of-sync with the otherwise secular, inclusive nature of such schools and particularly with the new curriculum. For this reason, many schools without a religious character are known not to comply fully with the requirement, and there is limited effort on the part of the Welsh Government to enforce compliance.

That said, schools that do wish to hold daily worship are free to, so it is important to understand the requirements and your rights as a parent.

COLLECTIVE WORSHIP IN STATE SCHOOLS WITH NO RELIGIOUS CHARACTER

As above, in state schools with no religious character daily acts of collective worship must be 'wholly or mainly of a broadly Christian character'. What this means in practice is open to interpretation, however, and it certainly does not mean that all assemblies must be Christian in nature.

The Government guidance in [Wales](#) states:

'It is open to a school to have acts of worship that are wholly of a broadly Christian character, acts of worship that are broadly in the tradition of another religion, and acts of worship which contain elements drawn from a number of different faiths. [The law provides] that within each school term the majority of acts of worship must be wholly or mainly of a broadly Christian character, but it is not necessary for every act of worship to be so... Thus, whatever the decision on individual acts of worship, the majority



of acts of worship over a term must be wholly or mainly of a broadly Christian character.'

In line with this, many schools choose to meet their obligations by ensuring that 51% of their assemblies are Christian, while the other 49% are more inclusive. Others simply choose to hold assemblies that draw on values shared by Christians and people from a range of other religions and beliefs, including humanism.

Furthermore, schools with no religious character are legally able to free themselves of the obligation to provide predominantly Christian worship. This is done by applying for a '**determination**' to change the character of their worship from Christian to something more appropriate. Technically, the alternative arrangements must still retain some element of 'worship', but schools are able to change the character of that worship simply to 'spiritual' or 'multi-belief', allowing for more inclusive assemblies to be offered. All applications for such determinations must be directed to the local Standing Advisory Council (SAC). Details for your school's local SAC can be found online.

Sixth form pupils and parents on behalf of younger pupils have **the right to withdraw from collective worship**. More on the right of withdrawal can be found in Chapter 4.

COLLECTIVE WORSHIP IN STATE FAITH SCHOOLS

Collective worship in schools with a religious character is not subject to SAC control, but rather is set by the governing body and conducted in line with the religion and trust deeds of the school. Again, sixth form pupils and parents of younger pupils still have the right to withdraw.

COLLECTIVE WORSHIP IN PRIVATE SCHOOLS

Private schools are allowed to do what they like with regard to worship: they can choose to have it, or not, and if they do have it they do not have to provide a right of withdrawal for parents or pupils (on the basis that the parent can withdraw their child from the school entirely – even though this leaves the pupil with no apparent equivalent rights to those they would enjoy in the state sector). In practice, we believe that most private schools have daily collective worship.





5. WITHDRAWING FROM RVE/ RE OR COLLECTIVE WORSHIP

In primary schools (i.e. up to and including Year 6), and in secondary schools where the new RVE curriculum has been implemented, parents cannot request that their child is withdrawn from RVE. However, in voluntary aided faith schools parents can request that their child receives RVE in accordance with the locally agreed syllabus, which should be taught in a neutral manner.

In secondary schools the new Curriculum for Wales is being introduced in a phased manner until September 2026. Some year groups will not yet have adopted RVE, so there is a right to withdraw from all or part of RE lessons – or, in the case of voluntary aided faith schools, to request the locally agreed syllabus. **Refer to Chapter 2, and also check with your child’s school, to see whether RE has been replaced by RVE for your child’s year group.**

However, by September 2026 all age groups will have fully adopted RVE as part of the new curriculum, and so after that date the right to withdraw from RE will cease.

Both sixth form pupils and parents on behalf of younger pupils have the right to either wholly or partly withdraw from collective worship. No reason has to be given.

It is important to recognise that withdrawing your child from either RE or collective worship is by no means an ideal solution to faith-based teaching and evangelising.

It can lead to your child feeling singled out or being victimised by their peers, and some schools have been known (quite inappropriately) to frown upon parents wishing to withdraw their children. However, in many cases it can be the only solution.

The various considerations in exercising your right of withdrawal from RE or collective worship are set out below.

REQUESTING NEUTRAL RVE IN VA SCHOOLS

Voluntary aided faith schools are able to teach RVE in a biased, faith-based manner. There is no right to withdraw from the subject, but the **law states** that as a parent you are able to request that RVE is taught according to the neutral RVE syllabus (i.e. the locally agreed syllabus) that is taught in schools that aren’t faith schools. The school itself must provide this teaching.

WITHDRAWING FROM RE

This section is only applicable to some year groups in secondary schools, until September 2026 – i.e. if your child’s year group is still being taught RE instead of RVE. Refer to Chapter 2 for more information about this difference. The law on RE states that if the parent of a pupil ‘requests that he may be wholly or partly excused from receiving religious education given in the school in accordance with the school’s basic curriculum... the pupil shall be so excused until the request is withdrawn.’ This applies to all types of state school: faith schools or schools with no religious character. It does not apply to private schools.

Parents may have a number of reasons for wanting to withdraw their children from RE, but before making a decision it is important to understand what kind of RE is being taught.

RE in schools without a religious character must be strictly educational and entirely neutral on matters of religion or belief. So, if RE is being delivered properly in such schools, there should be no reason to withdraw your child. In fact, doing so would deny them the important opportunity to learn about other people’s beliefs and to develop their own.

If the school is not teaching RE in a neutral way, your first response should be to raise this with the school and remind them of the law. Sometimes just pointing out where the school is going wrong, particularly if the issue is a relatively minor one, is enough to remind the teacher of what they should be doing.

In those faith schools that are legally allowed to teach biased, faith-based RE, withdrawing your children may be the only way to avoid unwanted evangelising. You do not have to provide reasons for withdrawing your child, and the school is legally obliged to supervise children who have been withdrawn.

This does not mean that your child has to miss out on RE altogether, however. In voluntary aided faith schools, the **law provides that**

‘Where the parents of any pupils at the school— (a) desire them to receive religious education in accordance with any agreed syllabus adopted by the local education authority, and (b) cannot with reasonable convenience cause those pupils to attend a school at which that syllabus is in use, the governing body shall (unless they are satisfied that because of any special circumstances it would be unreasonable to do so) make arrangements for religious education in accordance with that syllabus to be given to those pupils in the school.’

In other words, you can request that your child be taught according to the neutral RE syllabus (i.e. the locally agreed syllabus) that is taught in schools that aren’t faith schools, and the school itself must provide this teaching.

Note as well that you can ‘partly’ withdraw children from RE, so if there is a particular aspect that you are uncomfortable with, but the rest of the teaching is fine, you should be able to withdraw them only from that one part.



WITHDRAWING FROM COLLECTIVE WORSHIP

As is the case for RE – **but not RVE** – the law states that if the parent of a pupil ‘requests that he may be wholly or partly excused from receiving religious education given in the school in accordance with the school’s basic curriculum... the pupil shall be so excused until the request is withdrawn.’ Unlike in RE, however, sixth form pupils have the right to withdraw themselves from collective worship. This applies to all types of state school: faith schools or schools with no religious character. But it does not apply to private schools.

Crucially, when withdrawing a child from collective worship it is important to remember that it is only the worship they are being withdrawn from, not anything else. If the worship is taking place during an assembly, for instance, a pupil should be

withdrawn only from the worship element of the assembly, and then reintroduced for the remainder of the time. This will avoid situations in which children withdrawn from worship end up missing out on other parts of an assembly, such as school notices or awards.

It is worth noting that while the UK Government in reference to England has previously indicated that schools should provide a meaningful alternative for children withdrawn from collective worship, schools are not currently obliged to do so. As a result, children can end up being sent to an empty classroom or told to sit outside in the corridor. Official guidance does allow children to remain physically present during worship, without taking part, but for many parents this arrangement will be just as unacceptable. It is therefore important to try and secure the cooperation of the school if possible, as arranging a suitable alternative to worship will depend on their willingness to provide it.

6. A MEANINGFUL ALTERNATIVE TO COLLECTIVE WORSHIP: ASSEMBLIES FOR ALL

The **Assemblies for All** (assembliesforall.org.uk) online resource is run by Humanists UK, and provides access to high quality, inclusive assemblies for schools across the UK so that every student can experience assemblies which are educational, enjoyable, and appropriate for young people from all backgrounds.

Assemblies for All prioritises assemblies that are not acts of collective worship and which do not seek to promote one particular religion or belief. The assemblies are inclusive and accessible for all schools, teachers, and pupils, regardless of their religion or belief background.

The website features hundreds of interactive, meaningful assemblies made by education professionals from charities like Amnesty, Oxfam and UNICEF, to organisations such as the UK Parliament and the BBC. Every assembly is organised by theme, key stage, organisation, and, for many of them, by a corresponding event in the calendar. The calendar contains notable dates across the year so that assemblies can be held to mark important events such as International Women's Day, World Environment Day, and Martin Luther King Jr Day.

Therefore if you are engaging with your child's school about the content of assemblies, with a view to making them more inclusive, it may be useful to point them in the direction of this resource. Some assemblies are also available in Welsh.





7. SCHOOL ADMISSIONS

Over one in six state-funded schools in Wales are schools 'with a religious character', or 'faith schools' as they are more commonly known.

If you have been allocated a place at a faith school against your wishes, there may be grounds for appeal under the Human Rights Act 1998. Please get in touch with Humanists UK if this applies to you.

ADMISSION TO FAITH SCHOOLS

Due to a **specific exemption in the Equality Act 2010**, state-funded faith schools in Wales are generally allowed to select up to 100% of their pupils by religion, but only when oversubscribed. If there are more places at the school than pupils applying, the school must admit everyone.

The specific religious criteria used by schools vary widely. Most commonly, schools will ask parents for evidence such as a baptismal certificate or a document signed by a local religious leader proving attendance at a place of worship. The extent of attendance required also varies, and in some cases priority is given on a 'sliding scale' based on how frequently parents or children attend their place of worship.

As with RVE/RE, the rules for school admissions can differ depending on the type of school.

Voluntary controlled schools have their admissions determined by the local authority. As a result, they are generally not allowed to religiously select.

Voluntary aided and foundation schools have their admissions set by their governing body who are free to impose religious criteria on 100% places if they wish, and typically do so. Some local authorities in Wales have taken on responsibility for administering admissions on behalf of faith schools, but still follow the school's admission policy.

Private schools are able to impose religious criteria on 100% of their places, and can refuse to admit children on religious grounds whether they are oversubscribed or not.

SCHOOL ADMISSIONS CODE

All state-funded schools must adhere to the **School Admissions Code**, which requires that all admissions criteria are 'procedurally fair and are also equitable for all groups of children' (albeit with exemptions to allow faith-based selection). The Code also prohibits the prioritisation of children on the basis of financial support provided to a school, or on the basis of any other support provided in support of the ethos (e.g. religious character) of the school. Schools



are also prohibited from stating that only applicants from a particular social or religious group will be considered for admission – with the caveat that some faith schools can *prioritise* admission on religious grounds.

If you feel that a decision on admissions has been made in breach of the Code, you can lodge an appeal with the ‘admission authority’ during the timetabled admissions process. The admission authority is usually the local authority, but for voluntary aided and foundation faith schools it is instead the governing body. The admission authority must establish an independent appeals panel to hear the case, and also ensure that the appeal is heard within 30 school days of the specified closing date for the receipt of appeals. Appeal hearings for appeals made outside the timetabled admissions process must be held within 30 school days of the appeal being received in writing.

CAN I BE ALLOCATED A PLACE AT A RELIGIOUS SCHOOL AGAINST MY WISHES?

There is nothing specifically in UK law that gives parents the right to have their child educated at (or not at) a faith school. For this reason, many pupils end up being allocated places at schools with a religious character or ethos to which they do not subscribe. While there is very little that can be done to get around this in individual cases, parents are entitled to appeal. The rules surrounding such appeals are set out in the [School Admissions Appeals Code](#).

It should be noted, however, that unfortunately appeals on the grounds that you do not wish your child to be sent to a religious school are rarely successful. As the School Admissions Code states, whilst ‘the Human Rights Act 1998 confers a right of access to education’, ‘this right does not extend to securing a place at a particular school.’ Nevertheless, the Code does state that ‘admission authorities and appeal panels need to consider... for example, the parents’ rights to ensure that their child’s education conforms to their own religious or philosophical convictions.’ A non-religious family allocated a place at a faith school may well be such a case.

So if you would be interested in exploring the idea of taking a legal case on these grounds, please get in touch with Humanists UK.



8. CREATIONISM AND EVOLUTION

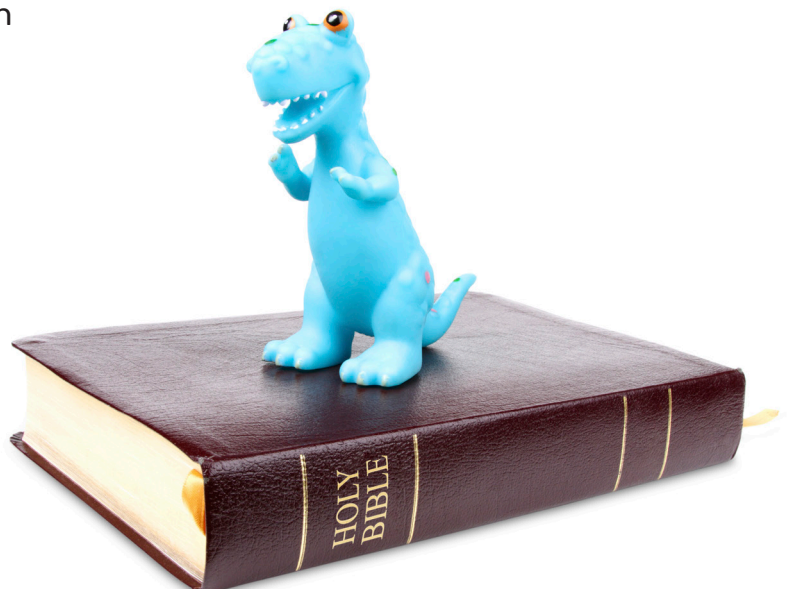
It is not unlawful in publicly funded schools in Wales to teach pseudoscientific ideas such as creationism or intelligent design as scientifically valid. Schools may well teach creation stories as part of RVE, and there are no safeguards to prevent children being encouraged to believe that these stories are factual or that they sit alongside evolution as equally valid 'theories'. However, this does contradict the aim of objective RVE in the new curriculum.

Furthermore, all state schools are required to teach 'a broad and balanced curriculum', and the UK Government, in reference to England, has decided that to teach creationism as scientifically valid would not be being balanced. The Welsh Government has not yet given similar assurances.

If your school is encouraging these beliefs, this should be raised with the headteacher and governing body. If you are not satisfied with their response, please get in touch with Humanists UK.

All state secondary schools in Wales are required to teach evolution, although this is not explicitly required until GCSE study. Schools are bound to follow the Curriculum for Wales, which in the science area of learning experience (AOLE) requires an understanding of evolution by Progression Step Five (age 16).

Private schools are allowed to teach pseudoscience and creationism as fact and to either dismiss evolution or not teach it at all. Some private schools continue to exercise those rights, and Estyn does not inspect them on these matters.



9. FREQUENTLY ASKED QUESTIONS

The answers to many of these questions depend upon the type of school concerned, as well as whether or not it is legally designated with a religious character. If you are unsure, visit the school's website or check on the Government's schools database: gov.wales/address-list-schools. The information can be found in column F of the 'maintained' tab on the spreadsheet.

MY SCHOOL'S RVE OR RE IS UNBALANCED, BIASED OR 'CONFESSIONAL' – IS THIS LEGAL?

If the school is legally designated with a religious character and is a voluntary aided school, then the school **can teach RVE/RE** that 'accords with the school's trust deed or the tenets of its religion or denomination' – i.e. if it is a Christian school, teach that Christianity is true and all other faiths are false. In this sense, the teacher is acting lawfully by teaching unbalanced and biased RVE/RE. However, in these instances parents can request non-denominational RVE or RE, and the school must provide it on request. More information about this can be found in Chapter 5.

Private schools can similarly teach RVE/RE in a biased manner.

In all state-funded schools without a religious character, and in voluntary controlled and foundation schools with a religious character, the RVE/RE curriculum

must be neutral on matters of religion and belief. Therefore, if the teacher is teaching from a faith-based perspective, they are breaking the law.

With that said, the law **also requires** that the syllabus in these schools is designed to reflect the 'religious traditions in Wales which are in the main Christian but which also takes account of the teaching and religious practices of other principal religions in Wales.' Therefore Christianity can be taught to a greater extent than other religions or non-religious worldviews.

Crucially however, the curriculum must **also** 'reflect the fact that a range of non-religious philosophical convictions are held in Wales'.

The most commonly held **non-religious philosophical conviction** in Wales today is humanism.

WHAT IS (AND ISN'T) A NON-RELIGIOUS PHILOSOPHICAL CONVICTION?

The answer is best illustrated by these three examples:



- A religious philosophical conviction: Christianity
- A non-religious philosophical conviction: humanism
- A philosophical conviction that is neither religious nor non-religious: veganism

For a more detailed explanation visit: humanists.uk/education/non-religious-philosophical-convictions

CAN I OPT MYSELF/MY CHILD OUT OF ATTENDING RVE/RE?

This depends on whether your child's year group has adopted the new RVE curriculum yet. Refer to Chapter 2 for more information on this.

For RE in all state funded schools, the **law specifies that** if a parent requests that their child be 'wholly or partly excused' from RE provision, then regardless of the nature of that provision, the school must allow it. However, this is in no way an ideal situation as it can lead to children feeling excluded, or being singled out and victimised by their peers. Any decision to opt a child out of RE must therefore be considered carefully.



If the school is legally designated with a religious character and is a voluntary aided school, then RVE/RE will by default be taught in a faith-based, confessional manner. If studying RE, parents with children at these schools can request **either** that their child be opted out of the subject, **or** that they be taught according to the (neutral) locally agreed syllabus, and the school itself must provide this teaching. However if they have moved to the new RVE curriculum, they can only request their child be taught according to the locally agreed syllabus. They cannot withdraw from RVE entirely.

If a voluntary aided school refuses such a request for neutral RVE/RE, they are breaking the law. Please get in touch with Humanists UK if this applies to your child's school.

Welsh law says that pupils cannot opt themselves out of any teaching – this right rests with their parents. Similarly, neither pupils nor parents can opt out of RE in private schools – this being justified by the fact that the parents can always choose to send their children to a state school instead (an option not available to the pupil themselves).

However, if a young person in either a state or private school is sufficiently mature enough to make their own informed decision on the question at hand, then human rights-based case law known as '**Gillick competence**' suggests that that young person should in fact have the right to opt themselves out of RE, or opt for an inclusive alternative to faith-based RVE. The fact that this right is not recognised in Welsh law has not been challenged before and is something we would be very keen to take on, as we think we could force a change in the law – if you are a young person in such a circumstance, please get in touch with us about this.



ASSEMBLIES AT MY CHILD'S SCHOOL ARE BEING USED FOR EVANGELISING AND RELIGIOUS COLLECTIVE WORSHIP – IS THIS LEGAL?

In Wales, all state funded schools must provide for a daily act of collective worship. If the school is legally designated as a faith school (of any kind), then this worship must be held in accordance with the trust deeds of the school, i.e. in line with its religious character. If the school is not legally designated as a faith school, then **the law requires** that the daily worship is 'wholly or mainly of a broadly Christian character.' This means that most assemblies have to have a broadly Christian theme. Many schools do not adhere to the law in this area and there is little attempt by either local authority or central government to enforce

it. It is nonetheless a legal requirement that schools should, by the letter of the law, follow, and regrettably many do, and indeed Estyn does inspect on compliance.

State schools without a religious character can apply to their local authority for a 'determination' to change the character of their worship for some or all of their pupils from Christian to another faith. But none has chosen to do this. This cannot be changed to humanist, or inclusive, as it must still be worship, but can be changed to spiritual, or multi-belief. It is still not ideal from our point of view, but is at least better than the status quo. You could argue that such a determination would be more inclusive of the diversity of beliefs in the school.

As for private schools, they are not required to hold any act of collective worship, but can choose to do so and can choose the nature of this worship as they wish.



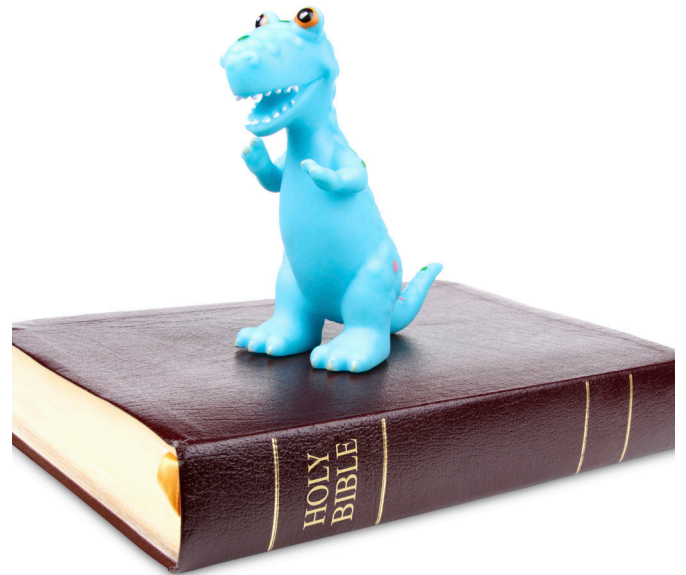
CAN I OPT MYSELF/MY CHILD OUT OF ATTENDING COLLECTIVE WORSHIP?

In state schools, first of all, parents do have the right to opt their children out of collective (or indeed any other) worship – but this right transfers from parent to pupil once the pupil reaches the sixth form. Note that pupils can also be partly opted out, so it should in theory be possible to remove a pupil from worship, while ensuring they do not miss any assemblies that are conducted in an inclusive way, or indeed the parts of an assembly that are not spent worshipping.

But this is not an ideal solution as it could lead to a pupil feeling excluded or being singled out and victimised by their peers. Further, without some cooperation from the school itself, it could lead them to miss out on important parts of the day, such as school notices, that also take place during assemblies. In addition, the school does not have to arrange an alternative activity – many children end up being sent to the library, and some have to sit outside the assembly in the corridor. You can ask for something more appropriate, however.

If your child's assemblies by default contain acts of worship, and no meaningful alternative is provided, this may be unlawful under the Human Rights Act. We are keen to support parents to challenge such scenarios, so do please get in touch by emailing campaigns@humanists.uk.

Welsh law says that pupils who are not yet in sixth form cannot opt themselves out of worship; this right rests with their parents. Similarly, neither pupils nor parents can opt out of worship in private schools – this being justified by the fact that the parents can



always choose to send their children to a state school instead (an option not available to the pupil themselves).

However, if a young person in either of these circumstances (state school but not yet sixth form, or private) is sufficiently mature enough to make their own informed decision on the question at hand, then human rights-based case law known as '**Gillick competence**' suggests that that young person should in fact have the right to opt themselves out of worship. The fact that this right is not recognised in UK law has not been challenged before and is something we would be very keen to take on, as we think we could force a change in the law – if you are a young person in such a circumstance, please get in touch with us about this.

WHAT IF THE SCHOOL DOESN'T LET ME OPT OUT MYSELF/MY CHILD FROM RE OR COLLECTIVE WORSHIP?

If the school is a state school, this is unlawful. **Section 55(2) of the Education and Inspections Act 2006** plainly states:

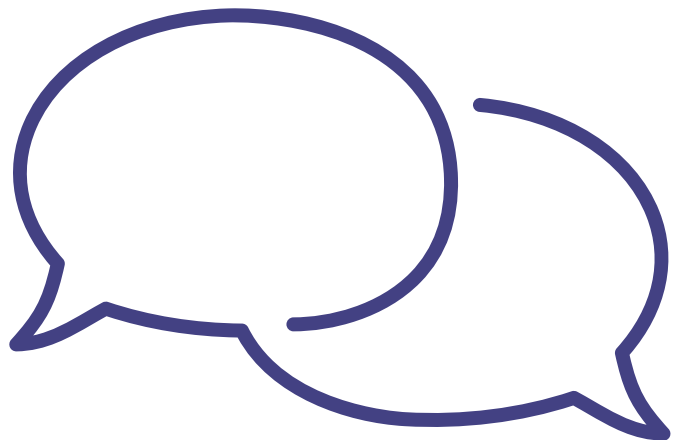
(1) If the parent of a pupil at a community, foundation or voluntary school requests that he may be wholly or partly excused from receiving religious education given at the school in accordance with the school's basic curriculum, the pupil shall be so excused until the request is withdrawn.

(1A) If the parent of any pupil at a community, foundation or voluntary school other than a sixth-form pupil requests that he may be wholly or partly excused from attendance at religious worship at the school, the pupil shall be so excused until the request is withdrawn.

(1B) If a sixth-form pupil requests that he may be wholly or partly excused from attendance at religious worship at a community, foundation or voluntary school, the pupil shall be so excused."

In terms of how to get the school to face up to its legal obligations, first of all you should pursue its internal complaints procedure. Beyond that, the next step is to complain to the local authority and contact Humanists UK for guidance and support.

If the school is a private school, then Welsh law does not require opt-outs to be offered. This is justified on the basis that the parent can choose to send their child to a state school, where opt-outs are provided.





MY CHILD'S PRIMARY SCHOOL TEACHES THE CREATION STORY – IS THIS LEGAL?

Whilst not explicitly unlawful in Wales, state schools should absolutely not teach pseudoscientific ideas such as young earth creationism or intelligent design as scientifically valid, as they are not scientifically valid and so to do so would, we would argue, break laws requiring the curriculum to be 'balanced'. This extends to a 'teach the controversy' approach which treats creationism and evolution as equivalently valid theories.

The legal picture in England is clear in this area, and the UK Government has said in [various statements](#) that it interprets the 'balanced' requirement in this way. While the Welsh Government has not been so clear, the same requirement for balance and objectivity still exists. Therefore the Welsh Education Minister should be made aware

of any such examples of a state school teaching creationism, so that they can investigate. We would be happy to assist you with this.

With all that said, many primary schools simply teach about the creation story as a central narrative in the Bible, which is perfectly legal. Primary school children are not used to being taught about beliefs as opposed to being taught them as true, so this subtlety may be lost in the delivery. If this is what is happening, then the school needs to be more careful about its teaching. This is especially true now that the Curriculum for Wales is clear that no religion or belief can be taught as true, and that there must be an objective and critical approach to teaching all beliefs from age three through to 16.

Private schools are legally entitled to teach pseudoscientific ideas like creationism as scientifically valid. Many do, and Estyn does not mark them down for doing so.

WHAT IF THE SCHOOL DOESN'T ALLOW ME TO OPT OUT MY CHILD WITHOUT SENDING THEM HOME?

That would be unlawful. [Section 71\(3\) of the School Standards and Framework Act 1998](#) states that pupils can be withdrawn from a state school if a parent has made arrangements for them to have worship/RE elsewhere, and therefore implicitly a pupil must not otherwise be withdrawn from school – as the duty of care still rests with the school. Helpfully, this is made explicit in the current guidance on the matter, [Circular 10/94](#), which states in paragraph 84 that 'A school continues to be responsible for the supervision of any child withdrawn by its parent from collective worship.'



MY CHILD HAS BEEN DISCRIMINATED AGAINST IN ADMISSIONS BY BEING ALLOCATED A PLACE AT A FAITH SCHOOL – WHAT CAN I DO?

Unfortunately, UK law does not allow parents the right to not have their child sent to a faith school, and historically parents trying to avoid this situation through the admissions appeals process have not been particularly successful. However, if you wish to appeal, there is an argument you could use.

The **School Admissions Appeals Code** includes the statement:

Human Rights Act 1998

The Human Rights Act 1998 confers a right of access to education. This right does not extend to securing a place at a particular school. However, admission authorities and appeal panels need to consider parents' reasons for expressing a preference when they make admission decisions and when making decisions on appeals. These reasons might include, for example, the parents' rights to ensure that their child's education conforms to their own religious or philosophical convictions (as far as is compatible with the provision of efficient instruction and the avoidance of unreasonable public expenditure).

It may be helpful to use this if arguing in front of an appeals panel, so if you would be interested in exploring the idea of taking a legal case on these grounds, please get in touch with Humanists UK.



MY CHILD HAS BEEN REFUSED ADMITTANCE TO THE LOCAL SCHOOL DUE TO BEING OF THE WRONG/NO RELIGION – WHAT CAN I DO?

Unfortunately, UK law allows faith schools to religiously discriminate in admissions, typically for up to 100% of pupils. There are specific exemptions from the Equality Act to allow the school to do this, and there's very little that can be done in individual cases to get around this.

You may wish to contact your local councillors, MP, or newspaper to raise awareness of your concern, and to try to place this issue onto the political agenda.

CONTACTS

Wales Humanists

Website: humanists.uk/wales

Email: cymru@humanists.uk

Phone: 020 7324 3060

Understanding Humanism

Website: understandinghumanism.org.uk

Email: education@humanists.uk

Assemblies for All

Website: assembliesforall.org.uk

Email: info@assembliesforall.org.uk

Estyn

Contact form: <https://www.estyn.gov.wales/about-us/sut-i-gysylltu>

Website: <https://www.estyn.gov.wales>

Phone about concerns: 0300 123 4666

Ombudsman factsheet on schools admissions appeals

Website: www.ombudsman.wales/fact-sheets/education-school-admission-appeals

Equality and Human Rights Commission

Contact form: equalityhumanrights.com/en/contact-us

Website: equalityhumanrights.com

Phone: 029 2044 7710

Equality Advisory Service

Contact form: www.equalityadvisoryservice.com/app/ask

Website: www.equalityadvisoryservice.com

Phone: 0808 800 0082