

# School Standards and Organisation (Wales) Bill

## Consultation response form

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**Responses should be returned by 5 January 2012 to:**

**Legislation Team  
Corporate Services Division  
Department for Education and Skills  
Welsh Government  
Freepost NAT 8910  
Cathays Park  
Cardiff  
CF10 3NQ  
Tel: 029 2082 1522**

**or completed electronically and sent to:**

**e-mail: [EducationWalesBill2012@wales.gsi.gov.uk](mailto:EducationWalesBill2012@wales.gsi.gov.uk)**

## Section 1

1. Do you agree with the proposals for intervention in schools causing concern?		
Agree with most	Agree/Disagree with some	Disagree with most

2. If you disagreed, please tell us about it below.	
Issue	Your concerns

## Section 2

<b>3. Do you agree with the proposals for school improvement guidance?</b>		
Agree with most	Agree/Disagree with some	Disagree with most

<b>4. If you disagreed, please tell us about it below.</b>	
Issue	Your concerns

## Section 3

<b>5. Do you agree with the proposals for changes to the way schools are organised?</b>		
Agree with most	Agree/Disagree with some	Disagree with most
	X	

<b>6. If you disagreed, please tell us about it below.</b>	
Issue	Your concerns
Diocesan authorities' powers to object	<p>Section c. proposes that objections made by (i) local authorities or (ii) 'Any diocesan authority in Wales (or other religious body with which school with designated religious character is identified in the relevant Order)' are treated more seriously than objections from others, and cause proposals to be determined by Welsh ministers instead of a local decision making panel. This is as 'An objection from either a local authority or a diocesan authority would suggest that there were more than local issues at stake, and that outside determination would be appropriate.'</p> <p>However, diocesan bodies only have a role in running their own schools, and it is not clear why they should have a say in the organisation of schools without a</p>

	religious character or even 'faith' schools other than their own. This seems to be open to abuse, with the Church in Wales or Roman Catholic Church being able to use their position to attempt to block proposals that conflict with their own vested interests.

## Section 4

<b>7. Do you agree with the proposals for placing Welsh in Education Strategic Plans on a statutory basis?</b>		
Agree with most	Agree/Disagree with some	Disagree with most

<b>8. If you disagreed, please tell us about it below.</b>	
Issue	Your concerns

## Section 5.1

<b>9. Do you agree with the proposals for annual parents' meetings?</b>		
Agree with most	Agree/Disagree with some	Disagree with most

<b>10. If you disagreed, please tell us about it below.</b>	
Issue	Your concerns

## Section 5.2

<b>11. Do you agree with the proposals for post-16 learners with special</b>
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**educational needs in schools?**

Agree with most

Agree/Disagree with some

Disagree with most

**12. If you disagreed, please tell us about it below.**

Issue

Your concerns

**Section 5.3**

**13. Do you agree with the proposals in relation to free school breakfasts?**

Agree with most

Agree/Disagree with some

Disagree with most

**14. If you disagreed, please tell us about it below.**

Issue

Your concerns

**Section 5.4**

**15. Do you agree with the proposals in relation to schools-based counselling?**

Agree with most

Agree/Disagree with some

Disagree with most

**16. If you disagreed, please tell us about it below.**

Issue	Your concerns

## Section 5.5

**17. Do you agree with the proposals to allow for flexible charging for school meals?**

Agree with most	Agree/Disagree with some	Disagree with most

**18. If you disagreed, please tell us about it below.**

Issue	Your concerns

**19.** 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:

Please enter here:

We are concerned about the continued existence of 'faith' schools in the Welsh education system. Ultimately, we would like to see every 'faith' school absorbed into the notionally secular schools sector, becoming inclusive community schools with all pupils educated together, regardless of the religion or belief of their parents. But in particular, we have concerns about 'faith' schools' ability to religiously discriminate in admissions; to religiously discriminate in employment; and to teach their own, skewed curricula in areas such as Religious Education and Sex and Relationships Education.

### **Admissions**

Most 'faith' schools can give preference in admissions to children from families which share the religion of the school. Not only does this discriminate against pupils of the 'wrong' or no religion and infringe their rights by assuming their beliefs are identical to their parents', it also leads to segregation along ethno-religious and socio-economic lines – 'faith' school populations are often far from representative of their local communities.

For example, voluntary aided 'faith' schools take on average fewer pupils requiring free school meals than community schools. Pupils starting at 'faith' schools are also, on average, more academically able than pupils starting at inclusive schools. This is because 'faith' schools' selection criteria mean that they usually take a less than representative sample of deprived children and more than their share of the children of ambitious and wealthier parents.

### **Employment**

Most 'faith' schools are also allowed to discriminate in their recruitment and employment policies. Voluntary Aided 'faith' schools can use a religious test in the appointing, remunerating and promoting all teachers and even some non-teaching staff, while Voluntary Controlled and Foundation 'faith' schools can do likewise for up to a fifth of teachers. In some schools staff can even be dismissed if their behaviour outside school is deemed 'incompatible' with the school's religion.

We oppose these practices primarily because they are an indefensible infringement of freedom of religion and belief, but they also limit teachers' career prospects, while at the same time many 'faith' schools struggle to recruit senior staff.

### **Religious Education**

Most 'faith' schools are permitted to teach their own Religious Education (RE) syllabus, unlike community schools which must follow a locally agreed syllabus. The teaching of RE in these schools is not subject to Ofsted inspection and is often confessional in nature, with the aim of instructing children in the doctrine and practices of a particular religion.

RE in such schools rarely covers other religions in any detail and almost certainly will not include non-religious views such as humanism. Ethical issues such as abortion or assisted dying are often approached from an explicitly religious perspective, with all the potential for misinformation that this entails.

### **Sex and Relationships Education**

Because Personal, Social, Health and Economic (PSHE) Education and Sex and Relationships Education (SRE) are not a part of the National Curriculum, 'faith' schools are free to teach them from a religious perspective. The BHA is particularly concerned that the sex and relationships components – if they are covered at all – may be taught in ways that are homophobic, gender discriminatory or that otherwise violate principles of human rights.

### **Public support for 'faith' schools**

Opinion polls consistently show that 'faith' schools are extremely unpopular, with most people believing the state should not be funding 'faith' schools of any kind. For example, in August 2010, an ICM survey for Channel 4 found that 59% of the population believe that 'Schools should be for everyone regardless of religion and the government should not be funding faith schools of any kind'. Similarly, a 2005 ICM survey for the Guardian found 64% of people agreeing with that statement. And

a June 2009 an Accord Coalition opinion poll for YouGov found 57% of the public agreeing that 'state funded schools that select students by their religion undermine community cohesion'; 72% agreeing that 'all state funded schools should operate recruitment and employment policies that do not discriminate on grounds of religion or belief'; and 75% agreeing that 'all state funded schools should teach an objective and balanced syllabus for education about a wide range of religious and non-religious beliefs' (More details can be seen at <http://tinyurl.com/accordatabank>).

### ***Faith in Education, human rights and 'faith' schools***

We were concerned last summer to read the *Faith in Education* document, written jointly by the Welsh Government, the Church in Wales and the Catholic Education Service for England and Wales. The document seemed to claim a special role for 'faith' schools, and ascribe to them special abilities to support pupils' moral development (p11-12) that are not, in reality, apparent.

However, we were particularly concerned about reference (on p9) to Article 2 of Protocol 1 of the European Convention on Human Rights in justifying the need for 'faith' schools. This is not the case, and if anything 'faith' schools harm Wales's compliance with this law.

There has been case law establishing that state authorities do not need to deliver education in line with a particular faith - i.e. they don't need to provide 'faith' schools – for example, *Sahin v. Turkey*. As Amnesty International commented in October 2000, allowing parents the freedom to educate their children in their own religion is not the same as obliging the state to pay for it:

*This article guarantees people the right of access to existing educational institutions; it does not require the government to establish or fund a particular type of education. **The requirement to respect parents' convictions is intended to prevent indoctrination by the state.** However, schools can teach about religion and philosophy if they do so in an objective, critical, and pluralistic manner.*

Conversely, there is no case law establishing that state authorities do not need to provide secular education without reference to faith (which of course is not the same as a non-religious school that teaches atheism is true and religion is false) - i.e. they do need to provide secular schools.

If there are no state-funded 'faith' schools in a given area, religious parents who want their children to have a faith-based education could choose to privately educate their children, or if they can't afford that, simply teach their children their religion in their own time, for example in church on a Sunday. Secular schools do not directly contradict the parents' beliefs. However, if all state-funded schools in a given area are 'faith' schools, then non-religious parents who do not want a faith-based education for their child, and who can't afford private education, have no choice but to send their child to the 'faith' school, and so cannot freely choose their education.

Opt-outs from collective worship and RE are inadequate as they often result in the opted out students being victimised by their peers, and missing out on school notices and other inclusive aspects of morning assemblies.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential, please tick here: