



**Response to the Government's proposals for welfare reform and to the
Freud report, from the British Humanist Association**
May 2007

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A. About the British Humanist Association

The British Humanist Association (BHA) exists to support and represent people who seek to live good and responsible lives without religious or superstitious beliefs. It has a long history of concern for the common good and for the development of an open and inclusive society, and of commitment to equality, human rights and social cohesion. The BHA's chief executive was a member of the steering group for the Commission for Equality and Human Rights and of the reference group for the Equalities and Discrimination Law Reviews and the BHA itself regularly participates in campaigns, working parties, committees and consultations (Government and other) on these issues as they affect the interests of those we seek to represent.

As humanists we take personal responsibility for our own lives and actions and shared responsibility for those of the community in which we live. We value the autonomy of the individual and principles such as freedom of belief and conscience. We therefore embrace the ideal of the open society.

We reject any social structure that privileges or establishes religion or belief – whether a single religion as in the UK today or the sort of “pillar” social structure found in several European countries which are organised on confessional lines with taxes distributed to a limited number of religious and (sometimes) humanist bodies with some social services provided through such bodies. We reject it because it favours a single belief or a selected group of dominant beliefs and tends to ossify society around them, placing artificial limits on choices and in particular bolstering historically and conventionally dominant religion and belief groups by subsidising them by virtue of their default position after they have lost the true support of the majority of their nominal adherents. We believe such social structures are not conducive to the development of a cohesive or integrated community.

B. Introduction

The BHA welcomes the opportunity to comment on the Government's proposals for welfare reform, and recommendations made by David Freud in his report¹ to the Department for Work and Pensions (DWP).

The BHA has been involved in discussions with the Government and others about welfare reform. Hanne Stinson, Chief Executive of the BHA, attended the DWP's 'Role of faith-based groups in welfare provision seminar' on 19th February 2007, where she outlined some of the BHA's most important concerns about contracting out services to religious organisations. Unfortunately, Jim Murphy MP did not address any of the points made by Ms Stinson at that time.

Speaking on 26th March 2007, John Hutton MP, Secretary of State for Work and Pensions, invited those interested to comment on 'the proposed radical extension of support from the private and voluntary sectors; the need for greater benefit simplification; and the renewal of the contract of rights and responsibilities in our welfare system.' In this submission, we take the opportunity to reiterate those concerns we have already made to the DWP, and detail more fully the potential and actual problems with publicly-funded provision of welfare through religious organisations.

We would welcome the opportunity to discuss this submission with the DWP at its convenience.

¹ Hereafter, the 'Freud report'

C. Summary and recommendations

We are concerned about the proposals to contract out the supply of welfare services; and especially about contracting out to religious organisations. We believe that the DWP (and the Government more broadly) has merely asserted the ‘benefits’ of welfare provision through religious organisations but has neither demonstrated nor proven these. We believe there to be many real and potential problems with such provision, and do not agree that religious organisations should have a role in providing public-funded public services.

In this submission, we recommend that the DWP:

- does not contract out or sanction the contracting out of the supply of welfare services to religious organisations;
- does not privilege religious over inclusive secular organisations in any circumstances;
- reviews its reasons for proposing to contract out welfare services to religious suppliers;
- bases its welfare policy on clear and testable evidence and not on dogma or spurious assumptions about the role of and ‘need’ for religious organisations in welfare delivery;
- ensures that all contracts and funding agreements specify that suppliers will be bound by the Human Rights Act 1998 (HRA) and equality and non-discrimination legislation, with no exceptions;
- does not award contracts to any organisation which seeks to manifest and/or promote religion or belief through its delivery of welfare or in its hiring practices;
- addresses the problems we identify throughout this submission and then re-thinks its welfare reform policy, specifically in relation to the inclusion and public funding of religious organisations in the areas of welfare and public services more broadly.

Our fundamental position

Our fundamental position on public services, as follows from the general principles outlined above, is:

- that all public services, including welfare services, should be open and accessible to all citizens and be provided on a non-discriminatory basis
- that organisations in receipt of public funding to provide public services should be bound in their provision of those services by the same legal obligations to avoid discrimination in dealing with their clients as are public providers of the same services
- that those organisations should be bound in their provision of those services by the same legal obligations to avoid discrimination in their employment practices as apply to public providers of the same services
- that those organisations should be bound, as public authorities, in their provision of those services by the Human Rights Act 1998
- that such organisations should be required to respect the privacy and autonomy of their clients.

Therefore, should any religious (or, equally, humanist) organisation be involved in providing public services in partnership with or on behalf of the Government or any public authority, it should not be allowed to discriminate on the grounds of religion or belief either in its employment practices or in its service delivery, and it should not be allowed to suggest either to employees or to clients that any advantage might attach to those with beliefs consonant with its own, far less to proselytise. To avoid misunderstanding, we make clear that it is our view that any religious organisation engaged in public services must be ineligible, so far as the delivery of those services is concerned, for the exemptions from anti-discrimination law provided to religious organisations in their religious activities.

D Welfare reform: contracting out services to religious organisations.
Objections based on questions of public policy

We consider it essential that all publicly-funded public services, not least welfare and employment services which seek to assist some of the most vulnerable and most disadvantaged, should be open, accessible, non-discriminatory and guided by principles of equality and human rights. We are therefore concerned that the current proposals for reform of welfare, especially in the context of contracting out services to and giving public money to religious organisations, have not taken the issues set out in this submission into sufficient consideration.

We have general concerns in regard to contracting out, and increasing diversity in supply of, publicly-funded public services, and these are made clear throughout this response. However, this submission focuses specifically on the proposed increased role of religious organisations in the supply of welfare.

1. Including religious organisations as service providers

1.1 The Freud report does not make any mention of specifically religious organisations taking on a service provider role. *Building on Progress* does, however, when it discusses the expansion of faith schools (paragraph 2.11, for example). *Building on Progress* also states that the Government is particularly keen to 'expand the role of the third sector' (paragraph 6.4), which is, of course, the sector that includes religious organisations and service providers. Both the Government and the Freud report look comparatively internationally at other countries' welfare systems, the US and Australia being two of which we are aware. Both have involved religious organisations extensively in their welfare-to-work programmes. For example, in Australia, both Mission Australia and the Salvation Army play key roles in such programmes, despite the fact that they discriminate on religious grounds in their employment and view their work as furthering their Christian mission.

1.2 The DWP held a seminar on 19th February 2007, which the BHA attended, on whether religious organisations have a role in welfare provision. Addressing the seminar, Jim Murphy MP stated that the Government was particularly keen to involve faith groups and religious organisations in the supply of

welfare services, and that he did not believe there to be 'an entirely secular solution' to, particularly community-based, projects assisting individuals to overcome barriers preventing them from accessing the labour market.

1.3 We explicitly reject this proposition. To reiterate, we envisage public service and welfare systems which are accessible and open to all, provided by organisations which do not discriminate in their service delivery, in their employment practices, or in any other way and on any grounds, including those related to religion or belief. In order to be totally accessible and inclusive to all, organisations in receipt of public funds to deliver public services should never be allowed to proselytise, make participation in religious activities a condition of receiving a service or gaining employment, and services should always be delivered in 'neutral' and non-religious settings.

1.4 If the Government is determined to include religious organisations in the supply of welfare, but does not ensure that individuals would be able to choose an inclusive secular provider, service users will be compelled to receive services from a religious organisation. This may be extremely problematic for a number of reasons, not least that, as a matter of principle, an individual might not have any desire to work closely with, nor divulge highly personal information, to religious organisations.

2. Religious privilege

2.1 The BHA believes that, if welfare and other public services are to be marketised with an aim of increasing the diversity in supply, then suitable organisations should contest for services on an equal basis. Hence, we are concerned at the Government's attempts to put faith groups on what it says is 'an even footing with all other private and voluntary sector organisations' (Jim Murphy MP, DWP Seminar, 19/02/07) who wish to contest for welfare services. We believe this in fact unduly privileges religious organisations, to the disadvantage of inclusive secular potential providers. For example, the DWP is establishing a centre of expertise to work specifically with religious groups, with a dedicated point of contact for these groups, giving them information on how to develop their role as welfare providers and the Department of Communities and Local Government is funding a new Faith

and Social Cohesion Unit within the Charity Commission, to work with and support faith charities, strengthening their governance and accountability.

- 2.2 We believe that Government assistance to third sector organisations to enable them to be in a position to contest for welfare services should be fair, even and according to need and absolutely not simply because an organisation is defined as or professes to be ‘religious’ or ‘faith-based’. Otherwise, there is a real risk of simply strengthening religious organisations beyond what their popular support warrants – which is certainly an improper function for government.

We recommend that the DWP:

- **does not contract out or sanction the contracting out of the supply of welfare services to religious organisations**
- **does not privilege religious over inclusive secular organisations in any circumstances**

3. Diversity and ‘choice’

- 3.1 The Freud report advocates ‘opening up’ the supply side of welfare. It recommends that programmes to help the least advantaged into work should be outsourced into the private and voluntary sectors, in order to make such programmes more ‘individualised’ (p1). Reflecting the Government’s position, as set out in *Building on Progress*, the Freud report understands there to be ‘clear potential gains from contesting services’ in this way, in order both to bring innovative ways of delivering ‘welfare’ and to reach those most socially excluded; those furthest from the labour market in terms of inactivity, unemployment and discontinuous economic activity (p6). In *Building on Progress*, increasing diversity is assumed to be a good in itself and necessary in order to make services more ‘personalised’.
- 3.2 However, the record in schools in the maintained sector – where there is increasing ‘diversity in supply’ – is not reassuring. Among other things, this increasing diversity in the school system either offers no choice, just a

diversity geographically or otherwise, or it requires duplication of services at greater cost.

- 3.3 In any case, we are not convinced that the reform proposals set out in the Freud report (complex systems of contracting and subcontracting and contestability, with greater or lesser involvement by the Government in decisions regarding who is awarded welfare contracts) would allow for individuals to have, easily, enough information about who was actually supplying their 'welfare' or whether they would be able to choose a inclusive secular provider, if welfare services in their area were contracted to a religious organisation.

4. (Un)importance of religion in Britain today

- 4.1 We believe that the Government's reasoning for the effort to increase the size and role of religious organisations in the public service arena is based on dogma rather than evidence.

- 4.2 Jim Murphy, (DWP seminar, 19/02/07) claimed, in stating why the Government believes it positive and necessary to include and promote the delivery of welfare services through religious suppliers, that 'faith still plays an incredibly important role in many people's lives in Britain today'.

This assertion is simply not supported by evidence. At best, it makes the unfounded assumption that those who consider themselves religious in some way:

- a) consider that to be a particularly important part of their identity and
- b) would prefer to receive services from a specifically religious organisation.

- 4.3 Britain is a largely non-religious country and becoming more so. At least 15.5% of the population is non-religious according to the 2001 Census, making this the second largest "belief" group in the UK, being two-and-a-half times as numerous as all the non-Christian religions put together. This figure, however, is by any sensible reckoning far too low. First, the Office of National Statistics itself admits that the imprecision of the 'religion' question meant that many people, especially those with a loose (for example, merely cultural) affiliation to a religion, would have identified themselves as religious

(particularly Christian), when they are not². Second, a large proportion of people who identified themselves as affiliated in some sense to a religion, in fact have no active involvement. From 1851 to 2000 regular church attendance in the UK shrank from more than 50% of the population to less than 8%³. Attendance for 2000 was 7.6% (down from 11% in 1980) and the estimate for 2005 was 6.8%. A recent BBC/ICM poll (November 2005)⁴ collected data on attendance for all religions. It found that 73% of those identifying as Christian attended a church only once every few months or less; 42% of those identifying as 'Muslim' attend a mosque only once every few months or less; 69% of those identifying as 'Jewish' attend a synagogue only once every few months or less.

The most recent British Social Attitudes survey found that over two-thirds of people (69%) either did not claim membership of a religion or said that they never attended a religious service, compared with 26% in 1964. The survey also found that, 'amongst those who do actually claim to belong to a religion, the proportion who attend a service regularly has been falling' (p8-9)⁵. Other surveys on religious belief in Britain have found 30 - 60% (and 65% of young people) declaring themselves atheists or agnostics. Home Office Research Study 274 found that only 20% of respondents considered their religious beliefs to be an important part of their self-identity⁶. This varied between different religious groups, particularly between Christians and other religious communities, where those affiliated to the Christian faith ranked religion seventh as important to their self-identity, after family, work, age/life-stage, interests, education and nationality (p19-20). According to a YouGov survey in December 2004, 56% of British adults are either atheist or agnostic⁷.

- 4.4 Given the examples above, it is clearly problematic to base policy on the idea that religious faith is of a central importance to the lives of individuals in Britain. Given that the non-religious make up such a large – and increasing – part of the population, and that there is no reason to assume that even religious people would wish to receive services from a religious supplier, Jim

² <http://www.statistics.gov.uk/CCI/nugget.asp?ID=984&Pos=&ColRank=2&Rank=448>

³ Church attendance by Christians in recent times has mainly been measured by the surveys conducted by Peter Brierley of Christian Research, e.g. in Religious Trends 5: 2005/2006, Christian Research, 2005. <http://www.christian-research.org.uk>

⁴ http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/14_11_05_bbc_faith.pdf

⁵ Park et al (eds) (2007) British Social Attitudes. The 23rd Report. Perspectives on a changing society. London: SAGE Publications

⁶ <http://www.homeoffice.gov.uk/rds/pdfs04/hors274.pdf>

⁷ http://www.yougov.com/archives/pdf/ST1040101003_2.pdf

Murphy's reliance on the religiosity of the populace as evidence for the need to increase the role of religious organisations is clearly unfounded.

4.5 We do accept that there may be small numbers of hard-to-reach groups that can sensibly be reached through religious organisations. Such groups, however, are most likely to be ethnic, cultural and/or religious minorities, while the organisations that are most likely to contract to provide public services are (for historical and other reasons) most likely to be Christian – and so less likely to be able to reach and work with at least some of these minority groups than a statutory body or other inclusive secular providers. Moreover, contracts are going to be awarded to large organisations – religious or inclusive secular – and not smaller, community-based organisations who, in some circumstances, may be better placed to assist the most disadvantaged. Such community-based charities (religious and inclusive secular) already provide support and assistance to major welfare providers and this seems a more fruitful way to include hard-to-reach minority groups in the welfare system, rather than, for example, awarding contracts to a large, Christian organisation.

4.6 Thus, even conceding that religion is more important to Muslims and some other minority religious groups than to Christians⁸, still the vast majority of religious organisations in the UK, and the largest – including those the DWP is specifically targeting, for example, the Church of England and the Salvation Army – are Christian. So, the DWP is apparently planning to put public services into the hands of religious groups, most of whose followers count their religious identity as of minor importance and to confront the followers of minority religions who see their religious identity as important with the need to seek services from Christian organisations or forgo them entirely. We question the rationality of such a proposal.

5. Evidence

5.1 There is little or no research nationally or internationally comparing religious to inclusive secular public service providers, nor is there any evidence to suggest that religious organisations would be as good as, let alone better at welfare provision than inclusive secular providers.

⁸ <http://www.homeoffice.gov.uk/rds/pdfs04/hors274.pdf>

5.2 We are concerned that efforts to encourage religious organisations to take a larger role in welfare (and other public service) provision are based largely on the assumption that they have some sort of special or privileged connection to whole communities or a large proportion of individuals within certain communities, which other organisations (public, private or non-religious third sector) do not have. Due to this ‘connection’ to the community, the assumption goes, they can therefore tailor services more closely to the needs of their clients and achieve better results than other providers could. We do not believe there is any credible evidence to prove this sort of ‘superiority’.

5.3 Even supposing there were evidence to prove that religious organisations have some sort of ‘special connection’ (which there is not), this would only be relevant to a very small number of religiously committed individuals and not to the vast majority of citizens (see figures in paragraph 4.3). Thus it seems that a policy to encourage the proliferation of religious welfare providers is one which is set to privilege certain well funded and organised religious groups and that small proportion of religious individuals who happen to be of the same persuasion as the body successful in bidding for the relevant contract. This would be at the expense of a large proportion of the rest of the population who will find themselves receiving services from a religious group with which they have no connection or sympathy and to which they may well feel some antipathy.

6. Religious, profit and other motives

6.1 Furthermore, as can be seen by its current preoccupation with ‘faith’ in many policy areas, it is assumed by the Government that in some way religious organisations deliver better results: either the religious motivation of their employees drives them to better performance than their counterparts who lack religious belief, or a religious ethos imparts some elixir that guarantees better performance. So long as the Government proclaims the virtues of religion, it will elicit few open protests. If it asserted instead that non-religious staff are less motivated or competent than believers, that secular organisations lack an adequate ethos or will to succeed in delivering public services, the outcry would be overwhelming. Yet these two positions are in fact the same.

- 6.2 Some religious people do claim that their motivation for 'good works' is solely religious: they claim that without their beliefs they could not continue and in effect boast that they lack the ideals and principles that motivate volunteers and employees in inclusive secular charities. It has to be asked whether, insofar as this self-analysis is true, it is a reliable or desirable basis for public services.
- 6.3 Similarly, it is worth questioning why a religious motivation to provide services is so often linked to motivation only to provide services as part of a religious organisation. Why are the religious people who hold these views so often (it would seem, on this analysis) unable to work in an inclusive team, especially if they are dealing with an inclusive clientele? We suspect that in fact most religious individuals have little difficulty in working with colleagues with different beliefs – just as humanists routinely work alongside religious colleagues – but are misrepresented by their religious leaders who are anxious to protect their sectarian organisations.
- 6.4 A concomitant issue, to be reverted to later (see section 10), is that in their concentration on the 'need' to work in a religious context, many religious organisations discriminate in their employment and volunteering policies and procedures, giving precedence to this over the needs of service users.
- 6.5 The recommendations in the Freud report, however, would introduce a new motive into the supply of welfare services – that of profit. This (as against keeping within budget) has no role in publicly run public services. For secular charities it involves a conflict of interest as profit conflicts with the motivation of public service: for religious bodies, religious duty is added to the conflict. Funding by results as advocated in the Freud report would surely affect the 'invaluable link' (Jim Murphy MP, DWP Press Release, January 2007) that religious organisations are considered, by some, to have with certain individuals or communities. To adopt a policy of using religious organisations in welfare provision for questionable reasons as outlined above, and then make profit and contestability the driving force for supply of welfare, (if you do not get good enough measurable results you will lose money or lose your contract), seems, at a minimum, misguided.

7. Accountability and use of public money

7.1 We are concerned that the recommendations set-out in the Freud report to privatise and contract out many welfare or employment services would decrease accountability. The Freud report does not discuss how – apart from measuring ‘results’ – new welfare suppliers will be monitored and audited. There is certainly the risk that ‘profits’ (including over-recovery of overheads) will be creamed off into the organisation's other activities – which in the case of religious bodies will most likely be religious, whereas with ‘ordinary’ charities they will most likely be voluntary work on similar lines to that under the public service contract. There may, of course, be the additional motive issue of bidding for and take-up of welfare contracts, in order to obtain capacity building and other funding that benefit the religious organisation as a whole. We suggest that contracts should specify acceptable and unacceptable uses for profits made on public service contracts: no religious use should be acceptable.

7.2 We are also gravely concerned that the Government, with its evident enthusiasm for the Freud report’s proposals, will – as with PFI – load the dice by totally unproven assumptions of superior efficiency of voluntary sector as against traditional public sector. In the case of religious organisations this would amount to a disguised but incontestable subsidy for their religious purposes.

7.3 There would be a public outcry if the Government announced a policy of subsidies for the religious purposes of organisations involved in the provision of welfare. Yet all too easily this could be the result of any policy of letting public service contracts to religious organisations. Evidence from the US and Australia⁹ shows that it is hard for a number of reasons (including lack of research) to monitor the use of public money by religious providers, even assuming that the political will is there in the first place to audit and to hold organisations accountable for the ways in which they use such funds.

⁹ See, for example, Ferguson, A. (2005) *Not-for-profit organisations are a big part of the economy, yet they are virtually unaccountable*. Business Review Weekly, 27 (11) and Carlson-Thies, S. (2004) *Implementing the faith-based initiative*. Public Interest Journal 155, Spring 2004

We recommend that the DWP:

- **reviews its reasons for proposing to contract out welfare services to religious suppliers**
- **bases its welfare policy on clear and testable evidence and not on dogma or spurious assumptions about the role of and ‘need’ for religious organisations in welfare delivery**

E Welfare reform: contracting out services to religious organisations.
Objections based on the interests of employees and service users

8. The religious ethos and service delivery

8.1 The Government has not addressed the important issue that many religious organisations deliver services in a way that, they believe, is important for religious reasons. For example, we are aware that in the US, even where they have some legislation to prevent such activity occurring (where there are Federal funds involved), religious organisations have been allowed to refuse to provide public services for reasons of conscience and have made praying and the like a condition of receipt of services.

8.2 It would be outrageous if religious organisations operating on behalf of the Government were allowed to deliver welfare and employment services in ways that implied or promoted religiosity, for example, through requirements of adherence to a religious doctrine or practice, or even if services were delivered in settings with religious symbolism or in buildings used for worship and so on. No service user should feel or be induced to comply in any way with any religious practice when she accesses welfare and other services. Indeed, it would not be sufficient simply to say that a user may have the choice not to take part in an activity or not to have services delivered from, say, a church hall – those issues should not even occur in the state-funded welfare system of a country which respects its citizens' right to freedom of conscience, however and through whomever services are delivered. All services must be delivered in an inclusive secular way, in non-religious settings.

8.3 We are concerned that the contracting out of welfare and other public services may adversely affect the rights and protections from discrimination that their clients are currently afforded. We are equally concerned that there may be serious implications for those currently employed or wishing to work in welfare and other public services. The recent furore over the Equality Act (Sexual Orientation) Regulations 2007 gives a good indication of how some religious organisations would not wish to provide services on an equal basis to, say, gay and lesbian people. Discrimination on religious grounds could be at least as inflammatory.

8.4 It would be quite insufficient to try to meet these requirements by contractual terms. They need to be founded clearly in law. Yet one looks in vain in the proposals for welfare reform – the proposed marketisation and privatisation of welfare and other public services – for any discussion of how and in what ways the legal status of service users, employees and organisations might change.

9. Public authority / public function

9.1 Currently, ‘public authorities’ are bound by section 6 of the Human Rights Act 1998 (HRA) not to discriminate. However, what is deemed to be a public authority is very limited, due to the narrow interpretation of the term adopted by the courts in plain opposition to the wishes of the Government expressed at the time of legislating. The Joint Committee on Human Rights¹⁰ (JCHR) deplores the courts’ limited interpretation, which excludes private or third sector organisations even when providing statutory services on behalf of an undoubted public authority. This means that the Convention rights under the Human Rights Act of many service users are subject to the lottery of whether services are delivered directly by government or indirectly under a contract with a third party. This lack of protection for service users under human rights legislation is likely to become increasingly common when more and more third-party suppliers are involved in the provision of public services.

9.2 For individuals who are in receipt of welfare services from a religious organisation under the proposed reforms, the situation is likely to be even more concerning, unless the definitions of ‘public authority’ and ‘public function’ are much more widely interpreted and applied, as originally intended and explicitly stated by the Government during passage of the HRA. The wider protection afforded to individuals under the HRA should not be underestimated. The HRA protects the rights of individuals to, for example, dignity and respect for family life. Such content may be interpreted very differently by religious organisations, who may have their own definitions of ‘family life’ and so on. For service users then, it is critical that suppliers of welfare are covered by the HRA, so that their rights above and beyond those covered by equality and non-discrimination regulations are fully protected.

¹⁰ House of Lords / House of Commons Joint Committee on Human Rights. *The Meaning of Public Authority under the Human Rights Act*. 19th March 2007

9.3 Some religious organisations have no desire to be public authorities, specifically because they may explicitly wish to discriminate in the provision of services – thus depriving clients of their human rights – in order to maintain their religious ethos and independence¹¹. The Salvation Army, for example, states in its memorandum to the JCHR, 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.’ This should be enough to rule them out from provision of any public service.

9.4 In the presentations and discussions that followed Jim Murphy’s speech at the DWP seminar on 19th February 2007, the Bishop of Hulme and Lt Colonel Roland Sewell of the Salvation Army both not only expressed concerns about taking on public services, but also made it absolutely clear that they were not interested in simply contracting to provide a public service. The Bishop of Hulme said that the Church would only consider doing this if they had a say in policy and in how the service was funded and provided; while Lt Colonel Roland Sewell said that religious organisations must not be constrained by government to provide particular services in a particular way; that service users must experience the service differently because it was provided by a faith group, and that if there was no difference, there was no point in the faith group doing it. This appears to amount to an assertion that there will be a distinct religious flavour to any public services religious organisations offer under government contract. It should be enough instantly to disqualify any organisation from provision of public services. If they wish to deliver religion – or any other irrelevant message – along with their service, let them fund it themselves.

10. Equality in employment and the quality of service

10.1 The contracting out of services to religious organisations has serious implications for potential and actual employees. Religious organisations already have exemptions from the 2003 Employment Equality Regulations, which allow them to discriminate in employment on the grounds of religion or belief and sexual orientation. We take serious issue with the idea that

¹¹ See, for example, the memoranda to the JCHR from the Evangelical Alliance, the Salvation Army and the Archbishops’ Council

organisations that are in receipt of public money to provide a public service should be allowed not to hire candidates or to discriminate against their staff on such grounds and suggest not just as a matter of principle but on severely practical grounds that organisations providing public services should be excluded from the exemptions for religious organisations in the discrimination laws.

- 10.2 The pool of religious people in society from which a religious organisation may wish to recruit is already narrow and shows every sign of continuing to narrow in future years). Christian organisations will not be recruiting from the 72% who ticked the 'Christian' box in the last Census, but from the 'active' Christian population, which is around 7% (see paragraph 4.3). Insofar as the proportion of public service employment falling to organisations linked to each religious belief exceeds the proportion of the qualified potential employees holding that belief, those employees are offered employment and career advantages due solely to their beliefs rather than their capabilities, and other qualified potential employees are disadvantaged for the same reason.
- 10.3 This is already the situation in religious schools, where headteacher posts are readily available to candidates with the right beliefs but are denied to better qualified candidates with the wrong beliefs – and such schools have serious difficulties in filling such positions: over 50 per cent of Catholic schools that are seeking head teachers cannot find one and Church of England schools also find it more difficult than community schools in finding new heads¹².
- 10.4 There is already some evidence that some of the religious providers of public services that discriminate on grounds of religion or belief in their recruitment policies and procedures are experiencing difficulties in recruiting staff of the right calibre. For example, Crossreach (which is part of the Church of Scotland) is one of the leading social care charities in Scotland and it is currently having significant problems recruiting staff, particularly within rural and high income areas (p28)¹³. It is possible that some of these problems occur because of its restrictive employment policy – for most positions, only Christians can apply, yet at least a third of Scots have no religion and only 42% of Scottish people identified themselves as affiliated to the Church of

¹² Education Data Surveys' 22nd [Annual Survey of Senior Staff Appointments in maintained schools in England and Wales](http://www.educationdatasurveys.org.uk/22report.htm), <http://www.educationdatasurveys.org.uk/22report.htm>

¹³ Second annual report to the Church of Scotland General Assembly.

<http://www.churchofscotland.org.uk/generalassembly/downloads/gareports07socialcare.doc>

Scotland in the 2001 Census¹⁴ (see paragraph 4.3 for reasons why this figure is likely to be much lower in reality).

- 10.5 This is not only a matter of concern for the employees concerned. If there is such difficulty finding recruits with appropriate beliefs, it is at least possible that standards will be lowered and the calibre of staff in religious organisations will be lower than in comparable inclusive and secular organisations, which are bound by equality legislation and hire on the basis of suitability for the position and not on the basis of skills and experience. Thus, service users may find that the move to religious providers threatens the quality of the service they receive.
- 10.6 Evidently, it is in the best interests of both service users and those employed by any religious organisation contracted to provide public services, that there should be no religious exemptions from the equality and anti-discrimination laws.

We recommend that the DWP:

- **ensures that all contracts and funding agreements will specify that suppliers will be bound by the Human Rights Act 1998 (HRA) and equality and non-discrimination legislation, with no exceptions**
- **does not award contracts to any organisation which seeks to manifest and/or promote religion or belief through its delivery of welfare or in its hiring practices.**

¹⁴ <http://www.scotland.gov.uk/Publications/2005/02/20757/53570>

11. A final recommendation

The benefits of welfare provision through religious organisations (particularly in contrast to those through inclusive secular organisations), are merely asserted, not demonstrated or proven. The difficulties it will bring have plainly not been recognised let alone addressed by the DWP or the Government more broadly.

We recommend that the DWP:

- **addresses the problems we identify throughout this submission and then re-thinks its welfare reform policy, specifically in relation to the inclusion and public funding of religious organisations in the areas of welfare and public services more broadly.**