

Response to “Refreshing the Compact: A framework for partnership working” by the British Humanist Association

A) About us

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

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

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

For example, many BHA members work alongside those with different beliefs on their local Standing Advisory Council on Religious Education. We fully support inclusive strategies to develop social cohesion and involvement in the community and are involved in promoting social cohesion both at a strategic and a grassroots level, with our efforts aimed in particular at ensuring the non-religious in the community are engaged with by government and others and not excluded by policy initiatives.

B) Context of work

The BHA has been working with the Department for Communities and Local Government (CLG) regarding some of the issues outlined below for a number of months. Particularly, the BHA was concerned about the suggested CLG project to create a *Charter for Excellence for Faith Based Organisations* in order to tackle issues such as proselytising and discrimination when religious organisations are delivering public service contracts.

The BHA believed that this would be insufficient to allay the dangers to service users including:

- Discrimination against service users and employees on grounds of ‘religion or belief’, sexual orientation or gender reassignment.
- Deterring individuals from taking up services to which they are entitled.
- Harassment of service users and employees on grounds of ‘religion or belief’, sexual orientation or gender reassignment.
- Artificially boosting the status and prestige of religious organisations.
- Divisive effects on local communities.
- Duplication of services.
- The likelihood that quality of service will suffer as organisations give preference to potential and existing staff who share the organisation’s beliefs in hiring and promotion decisions, over and above better qualified individuals of a different ‘religion or belief’ and/or reject candidates because of other irrelevant characteristics or their lifestyle.

Despite doubts surrounding the effectiveness of this approach, the BHA welcomed the *Charter* as evidence that CLG was taking these concerns seriously and acting to minimise them. However, earlier this year, CLG announced that they would no longer be working on the *Charter* as it was believed that the refresh of the Compact would help to solve many of the issues raised above. However, the BHA is concerned that this is not the case and that the draft of the Compact does not

sufficiently cover the aspect of 'religion or belief' organisations running services to remove the need for legislative change or a *Charter of Excellence*. It is in this context that this response is written.

C) Introduction to response

We welcome the opportunity to respond to this important consultation. The Compact is an important tool to ensure the accountability of the voluntary sector and to cement the increasingly complex relationship between the sector and government at all levels. However, the BHA has a number of concerns regarding the draft which is open for consultation and these are set out below.

D) Public service provision by 'faith based' organisations¹

The BHA is increasingly concerned by the fact that statutory public services which should be available to all individuals are being contracted out to third sector organisations which are based on a particular 'religion or belief' (also known as 'faith based' organisations.)

Such organisations have significant exemptions in equality laws and it is questionable whether users of such services are covered by the protection of the Human Rights Act.² As the Compact attempts to cover the relationship between the delivering organisations and the public authority in cases where third sector organisations are running public services, it is imperative that the Compact covers this specific area thoroughly.

As the draft stands, religious organisations could undermine equality work by discriminating in employment and against service users, yet still be following the Compact. This could affect all individuals, but may particularly have negative effects on non-religious people, or people of minority religious beliefs. In order to be fully comprehensive in this area, the Compact must cover the following:

1. Discrimination in employment and service provision

In current legislation, organisations based on a particular 'religion or belief' have various exemptions allowing them to act in ways which are illegal for organisations not based on a 'religion or belief,' (ie secular third sector organisations and public bodies.) These exemptions can be used even when the organisation is contracted by a public body to deliver statutory services, meaning that service users and employee posts funded by public service contracts can be treated differently depending on who is contracted to run the service, as 'religion or belief' organisations can discriminate in certain circumstances due to the 'religion or belief' of the individual.

In order to stop this discrimination in public services, **the BHA recommends that the compact includes a commitment from the third sector not to use exemptions in equality laws when contracted to deliver a public service which should be available to all equally. Further, it should include a commitment by the Government and public bodies to contract only with organisations which will not use the exemptions for any publicly funded post, when the service is to be delivered to all individuals.**

2. Proselytising to service users and use of funds to further a 'religion or belief' (including core funding)

The BHA is also concerned that religious organisations may use public money to promote their beliefs to service users. It is not acceptable for religious organisations to use their service users as a 'captive audience' to proselytise to, or to use funds meant for service delivery to promote any

¹ For a full discussion of the issues, please see our report *Quality and Equality* available at http://www.humanism.org.uk/campaigns/public-service-reform/quality_and_equality_report

² See <http://www.humanism.org.uk/campaigns/human-rights/human-rights-act-1998-and-the-meaning-of-public-authority> for more details

‘religion or belief.’ As well as being a misuse of public money, it is another example of how service users will be treated differently depending on who their local authority contracts out to.

The BHA agrees that contracting authorities should attempt to cover a proportionate amount of the organisation’s core funding when asking them to deliver a public service contract in order to allow all organisations to apply to deliver services. However, an extra caveat should apply for organisations based on any ‘religion or belief’ that none of the funding should be used for the promotion of any ‘religion or belief’ and that organisations will not proselytise to service users.

The BHA therefore recommends that the compact includes a commitment from the third sector not to promote a particular ‘religion or belief’ via service delivery or using public funds and a commitment by the Government and public bodies to monitor contracted organisations for such behaviour.

3. Delivery of services in a religious setting

Similarly, the BHA is concerned that public services could potentially be delivered in an overtly religious setting, making them unsuitable for service users of other ‘religions or beliefs.’ By having overtly religious symbols on display or delivering services at a place of worship, some individuals may be deterred from accessing services that should be open to all.

In extreme cases, the environment may even be considered oppressive or causing harassment to service users.

The BHA therefore recommends that the compact includes a commitment from the third sector not to deliver publically funded services in an overtly religious setting.

E) BME organisations and ‘religion or belief’

The current draft says of BME organisations that, “an intrinsic aspect of their role is addressing discrimination based on race, religion and ethnicity.”³ Firstly, any reference to religion should read ‘religion or belief’ and secondly, this insinuates that all BME organisations have expertise in the ‘religion or belief’ field.

This phrasing also suggests that ethnicity and ‘religion or belief’ may be intrinsically linked and that assumptions can be made about the outreach capabilities of such organisations which may not be correct.

BME equalities work and ‘religion or belief’ equalities work differ in aims, scope and practice. It is therefore disingenuous to suggest that BME groups are particularly suited to work on ‘religion or belief’ issues or have access to individuals from particular ‘religion or belief’ backgrounds. The approach put forward in the draft could lead to stereotyping and disempowerment of the individuals involved.

The BHA therefore recommends that this line be removed or rewritten to make it clear that only some BME organisations may undertake this work.

F) Hard to reach communities

The current draft states that religious organisations (or those founded on philosophical or social ideas) are good for accessing hard to reach communities. Although this may be the case of some organisations, this should not lead to public authorities working with ‘religion or belief’ organisations over and above other equalities or community groups.

³ Refreshing the Compact: A framework for partnership working, July 09, pg 43

The BHA recommends that it should be made clear in the Compact that ‘religion or belief’ organisations should never be considered as having ‘added value’, simply because of their status as a ‘religion or belief’ organisation.

G) Representation and infrastructure

The BHA has noted that many local authorities believe that they are being inclusive and representative by engaging in ‘inter faith’ work. However, this work is, by its very nature, exclusive as it rarely includes input by non-religious individuals and organisations. This can lead to a breakdown in relationships between religious and non-religious individuals and organisations at a local level and a lack of representation for non-religious people, who may well make up the majority of the population.

The BHA therefore recommends that the compact includes a commitment from the third sector to be inclusive when undertaking representation work and a commitment by the Government and public bodies to only engage with organisations which have open and inclusive membership policies.

September 2009
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