

Rt Hon Nicky Morgan MP
Secretary of State for Education
Department for Education
Sanctuary Buildings
20 Great Smith Street
London SW1P 3BT

27 May 2016

I am writing to you about a statement from your Department (published in a joint statement by two Religious Education (RE) bodies)¹ regarding the High Court judgment on RE and the guidance on it that we have circulated from lawyers to schools and to other relevant educational bodies.² I am dismayed by the claims you have made about the BHA and its work in your statement and am writing for clarification on three points.

Firstly, you say that it is not for the British Humanist Association to issue legal guidance to schools. I am not clear on what grounds you are saying this about us. The BHA is a charity lawfully registered in England and Wales with legal Objects that include the promotion of Humanism and the provision of educational resources on Humanism. Seeking to support schools and those who set syllabuses to understand their legal obligations in relation to the teaching of Humanism in RE is an important and uncontroversial aspect of these objects. I would be grateful for clarification as to why the Government is questioning this activity.

Secondly, you say the guidance is inaccurate. This is a very significant claim, which has the potential to undermine the BHA's credibility. We stand by the guidance absolutely, written as it has been by legal experts in the field. I would be grateful for details of the inaccuracies you allege.

Lastly, you state that the legal challenge we sought to explain concerned a 'narrow technical point' and the judgment 'should not be taken as having any broader impact on any religious education curriculum'. In this, you are completely incorrect.

The judgment is absolutely clear that, as a result of the relegation of non-religious worldviews like Humanism in the subject content for Religious Studies GCSE, the exam boards' '*GCSE specifications could be compliant with The Subject Content and yet fall short of delivering the RE obligations*'.

In other words, if an RE curriculum as a whole relegates non-religious worldviews like Humanism to the full extent that your subject content allows a GCSE specification to relegate them, then that RE curriculum would not be lawful. Given that many RE curricula around the country do this, your assertion that the judgment has no impact is misleading and risks encouraging schools and others to act unlawfully. We had previously understood that the statements to this effect contained within your December 'guidance' were simply a reflection of Government policy, rather than formal Government guidance on the law which you expected schools to follow. These recent statements, however, suggest

¹ Joint NASACRE and AREIAC statement: <http://www.nasacre.org.uk/file/nasacre/1-290-nasacreareiacresponsetodrsatvinderjussadviceupdated.pdf>

² High Court Judgement on Religious Education: Legal guidance on what it means for local authorities, academies, schools, teachers, Agreed Syllabus Conferences, and SACREs: <https://humanism.org.uk/wp-content/uploads/2016-04-28-FINAL-High-Court-ruling-on-Religious-Education-legal-guidance.pdf>

that the latter is the case. Please can you clarify what it is that schools and those who set syllabuses should be doing in light of the judgment.

As you will appreciate, we take the Government's claims about our work very seriously and so too its claims about what the law says. I look forward to your response in relation to our three points above.

Best wishes,

Andrew Copson,
Chief Executive, British Humanist Association