

WELSH GOVERNMENT CONSULTATION: STRATEGIC EQUALITY OBJECTIVES 2020-2024

Response from Wales Humanists, November 2019

ABOUT HUMANISTS UK

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. 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. Founded in 1896, we are trusted to promote humanism by over 85,000 members and supporters. 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.

Your name: Kathy Riddick

Organisation: Wales Humanists

Email: kathy.riddick@humanism.org.uk

Your address: Wales Humanists, Cardiff House, Cardiff Road, Vale of Glamorgan, CF63 2AW

WALES HUMANISTS' PRIORITIES

- **Introduce inclusive assemblies to schools to replace collective worship**

We believe that all children should have access to high quality, inclusive assemblies which are educational, enjoyable, and appropriate for young people from all backgrounds. These assemblies should not be acts of collective worship nor seek to promote one particular religion or belief, but be inclusive and accessible for all pupils, regardless of their religion or belief background. In requiring all state schools, including those without a religious character, to conduct daily acts of collective worship that are 'of a broadly Christian character', the law discriminates in favour of religion, in general, and Christianity in particular, effectively denying those who identify as non-religious – 52% of the UK population according to the latest British Social Attitudes Survey¹ – and those holding minority faiths access to school assemblies that are of relevance to them. It also violates the right to freedom of religion or belief of children, young people, and their families by imposing a particular religious perspective upon them, flying in the face of the United Nations Convention on the Rights of the Child (UNCRC) and A2P1 of the European Convention on Human Rights. Although parents have the right to withdraw their children from collective worship, and sixth-form students are permitted to withdraw themselves from the practice, in most cases, no educationally meaningful alternative is provided. What's more, many parents and older pupils are simply unaware of this right, or, if they are aware of it, attend schools that make it difficult to exercise or leave children segregated, missing out on other important aspects of school assemblies. In short, the right to withdraw is insufficient to protect those who do not hold Christian beliefs – or indeed younger children who have yet to make up their own minds about what they believe – from religious proselytisation or indoctrination. For this reason, we call upon the Welsh Government to abolish the requirement to hold collective worship and replace it with a duty to provide inclusive

¹ Humanists UK, *Latest British Social Attitudes Survey shows Church of England hit record low*, 2018
<https://humanism.org.uk/2018/09/07/latest-british-social-attitudes-survey-shows-church-of-england-hit-record-low/>



assemblies designed to support the spiritual, moral, social, and cultural development of all pupils irrespective of background or belief.

- **The school curriculum and religion or belief**

We campaign for reform to the current subject of 'Religious Education' (RE) so that, as required by existing human rights law, it becomes a fully inclusive, impartial, objective, subject that is relevant to all pupils regardless of background or belief. This subject should sit alongside others in the humanities curriculum and provide pupils with the opportunity to examine and explore a selection of religious and non-religious perspectives, including humanism on an equal basis. We note that the Welsh Government recently recommended that RE be made inclusive in this way and be renamed to 'Religions and Worldviews' to acknowledge this broadened scope. We fully support this proposal and think it should be implemented as soon as possible.

- **The right to withdraw from Religious Education**

We were disappointed to learn that the Welsh Government is also proposing to remove the parental right to withdraw children from the subject. We don't think this should be the case in any school, but it is particularly egregious in schools with a religious character (or 'faith schools'). These schools are legally permitted to teach RE in line with the tenets of their faith and, therefore, even if they also provide information about other worldviews, including non-religious worldviews like humanism, violate the requirement that the subject is delivered in 'an objective, critical and pluralistic manner'. For this reason we strongly object to this proposal, especially as the Welsh Government hasn't proposed to abolish faith-based (confessional) RE, or, at the very least, to retain the right to withdraw from that aspect of the curriculum and make 'Religions and Worldviews' a separate subject. Without the right to withdraw, children and young people who do not share the faith of the school which they attend, generally those from non-religious or minority faith backgrounds, will be required to attend lessons which seek to promote a religious perspective that is contrary to their own. This potentially unlawful proposal not only threatens the right to freedom of religion or belief of children and their families as protected by the Human Rights Act 1998, but does so in a way that significantly and unfairly disadvantages non-Christians in comparison to Christians. We therefore urge the Welsh Government to retain the parental right to withdraw children from Religious Education in all schools.

- **Religious discrimination in school admissions and employment**

State schools with a religious character should not be allowed to use discriminatory admissions policies that select pupils on the basis of their parents' faith. State schools are public institutions and should therefore be open to all irrespective of belief or background. Further, we do not believe that state schools should be free to recruit all teachers or other staff based on their religion, particularly where this goes beyond a genuine occupational requirement (GOR). On the latter, there is a mis-transposition into UK law of the European Employment Directive, and we know this is something the Equality and Human Rights Commission (EHRC) has taken an interest in in the past. We call for the Welsh Government to support an end to religious selection and unfair religious recruitment practices in faith schools.

- **Fully inclusive, compulsory relationships and sexuality education (RSE)**

We strongly support the introduction of developmentally-appropriate, rights-based relationships and sexuality education as a compulsory subject for all pupils aged 3-16 in the



new curriculum for Wales. Given the key role this subject plays in the health and wellbeing of children and young people we also support the proposal, recently outlined in the 'Ensuring access to the full curriculum' consultation, to abolish the parental right to withdraw children from sex education. The draft guidance for RSE published earlier this year was not fit for purpose and welcome moves by the Welsh Government to redraft this guidance working with experts to ensure a detailed RSE curriculum can be delivered for all children in every Welsh school, including faith schools.

- **Employment in chaplaincy/pastoral support teams**

We campaign for an end to unlawful religious discrimination in publicly funded posts such as pastoral support jobs in hospitals, the armed forces, universities, and prisons, which are often unfairly reserved only for religious people or for people of certain religions. We call upon the Welsh Government to support NHS Wales adopting fully inclusive guidance on the need for spiritual, pastoral and religious care in the NHS, similar to the guidelines that were produced by NHS England in 2015.² Welsh health boards spent £1.2 million on chaplaincy in 2017, with 100% going to Christian chaplains and none for supporting non-religious or minority faith patients (figures obtained from freedom of information requests to each health board). A report by Marie Curie in 2018,³ welcomed by the Health Minister Vaughan Gething, established the need for specific non-religious pastoral support, but there is yet to be action on this in NHS Wales.

- **Include the non-religious on the Faith Communities Forum**

Presently, the Faith Communities Forum, which was established in 2001 to help improve relations between the major faith community groups in Wales, excludes humanists and the non-religious. The group, as well as having biannual access to the First Minister, is frequently called on by the Assembly to represent communities across Wales, most recently in relation to hate crimes. Wales Humanists should be granted equal access to sit on the Faith Communities Forum alongside our religious counterparts to directly represent the interests of humanists and the non-religious to the First Minister.

RESPONSE TO CONSULTATION QUESTIONS

Question One: Do you agree with the proposed draft Equality Objectives in Chapter 5?

Yes

Question Two: Do you think there are any areas of inequality that are not addressed by draft Equality Objectives and that are of particular importance to you?

Overall, we are supportive of the overarching principles of the eight long-term aims of the draft equality objectives. However, we believe within these objectives, especially within aim 3 (the needs and rights of people who share protected characteristics are at the forefront of the design and delivery of all public services in Wales), and aim 6 (a Wales of cohesive communities that are resilient, fair, and equal), there needs to be consideration and concrete actions to address discrimination on the grounds of religion or belief in both the education system and the workplace in Wales. We set out what we mean by this above, with reference to collective worship, RE, RSE,

² NHS England, *NHS Chaplaincy Guidelines 2015: Promoting Excellence in Pastoral, Spiritual & Religious Care*, <https://www.england.nhs.uk/wp-content/uploads/2015/03/nhs-chaplaincy-guidelines-2015.pdf>

³ <https://www.mariecurie.org.uk/globalassets/media/documents/how-we-can-help/hospice-care/our-hospices/cardiff-and-the-vale/improving-access-project-full-report-english.pdf>



faith school admissions, faith school employment, and employment in chaplaincy/pastoral care.

Question Three: Are there any emerging trends / issues / evidence regarding inequality in Wales that you feel should be addressed as a priority?

Discrimination against the non-religious in the Faith Communities Forum

At present, the Welsh Government's Faith Communities Forum does not permit humanists or non-religious members. Wales Humanists recently met with the Welsh Government to raise this issue, however we have been told our ask for a review of the membership is ongoing but is subject to consultation with other faith and belief groups.

We do not agree that there should be a consultation on our membership but instead that humanists should be granted access as the Welsh Government itself has interpreted the rights of the non-religious to be analogous to the rights of those who are religious. To this effect, Kirsty Williams AM, Secretary for Education, stated the following:

'It is the view of the Welsh Government that: to ensure compatibility with the Human Rights Act 1998 the provisions relating to the constitution of SACRES and ASCs in the 1996 Act are to be interpreted as permitting the appointment of persons who represent holders of non-religious beliefs in the same way as they permit the appointment of persons who represent holders of religious beliefs; (section 390(4)(a) of, and paragraph 4(2)(1) of Schedule 31 to, the 1996 Act). However, we consider the non-religious beliefs adhered to by the person to be appointed must be analogous to a religious belief, such as humanism. To be "analogous" we consider the non-religious beliefs must in accordance with case law under the European Convention of Human Rights and the Human Rights Act 1998 attain the necessary level of cogency, seriousness, cohesion and importance to attract protection under the Convention Rights'⁴

Further, case law has established that religious and non-religious beliefs are not to be distinguished and should be awarded 'equal respect' and 'equal treatment' (e.g. *R (Fox) -v- Secretary of State for Education*).⁵ Therefore, humanists should not be distinguished from the religious, and Wales Humanists should be invited to sit on the Faith Communities Forum.

Recommendation: The Welsh Government should appoint Wales Humanists to the Faith Communities Forum and rename the Forum to 'Religion or Belief Communities Forum' or 'Belief Communities Forum' to be fully inclusive of the non-religious.

The need for an inclusive 'Religions and Worldviews' curriculum

⁴Letter from Kirsty Williams AM to Local Authority Directors of Education, 3 May 2018

https://humanism.org.uk/wp-content/uploads/KW_0783_18-en.pdf

⁵ The case concerned the state's duties in respect of religious education but the principles are identical to those that govern a public authority: 'the state must accord equal respect to different religious convictions, and to non-religious beliefs; it is not entitled to discriminate between religions and beliefs on a qualitative basis; its duties must be performed from a standpoint of neutrality and impartiality as regards the quality and validity of parents' convictions.' – *R (Fox) -v- Secretary of State for Education* [2015] EWHC 3404 (Admin) at paragraph 39:

<https://www.judiciary.gov.uk/wp-content/uploads/2015/11/r-fox-v-ssf.pdf>



As the Welsh Government has already acknowledged – both in the documentation relating to the new Curriculum for Wales and by proposing to change the law regarding who may sit on Standing Advisory Councils for Religious Education (SACREs) and Agreed Syllabus Conferences (ASCs) so that the bodies that determine the RE curriculum are fully inclusive of humanist representatives – Religious Education (RE) must include non-religious perspectives on an equal footing with religious ones if it is to meet the requirements of the Human Rights Act.

As stated in our responses to both the white paper and draft curriculum consultations earlier this year, we fully support the move to make the subject fully inclusive and to rename it ‘Religions and Worldviews’ to reflect this broadened scope. Nevertheless, we are concerned that the continuance of Agreed Syllabus Conferences (ASCs) could lead to great variations in the content of the RE curriculum meaning that not all children in schools in Wales receive provision of equal breadth or quality.

Additionally, although the explicit inclusion of humanism will help to address the issue of different perspectives equally in non-denominational schools, the creation of separate frameworks for RE for Church in Wales and Catholic schools will allow the continued teaching of denominational RE where other beliefs are sidelined in favour of Christianity. This means that, unless ‘Religions and Worldviews’ becomes a separate subject, children attending schools with a faith-based RE syllabus are less likely to receive fully inclusive education in this area of the curriculum.

Recommendation: Continue to support the inclusion of non-religious worldviews on the RE curriculum and the change of the subject title to ‘Religions and Worldviews.’

The right to withdraw from RE

Given the commitments the Welsh Government makes to equality and human rights in the paper accompanying this consultation, we would strongly urge that it does not go ahead with the proposal to remove the parental right to withdraw from religious education.

We fully support there being a school curriculum subject that teaches children and young people about religious and humanist perspectives in a ‘critical, objective, and pluralistic manner’.⁶ On the grounds that religious education (or ‘Religions and Worldviews’ as the Welsh Government proposes to rename it) plays a vital role in enabling pupils to form and explore their own beliefs and develop an understanding of beliefs and values different from their own, we would very much like to see this subject taught in this way to pupils in all schools, including those with a religious character (also known as faith schools). We nevertheless have grave concerns about the plan to remove the right to withdraw from RE, particularly in faith schools. Even under the new curriculum arrangements, denominational syllabuses will still be set solely by religious bodies and, as is currently the case, the subject will still be permitted to be taught ‘according to the tenets’ of a particular faith. This risks allowing the state-sanctioned indoctrination of children who attend faith schools, but whose families do not share the religious perspectives of those schools (something which is particularly difficult to avoid in some rural areas), into religious beliefs against their parents’ wishes. On this basis, the removal of the right to withdraw would therefore amount to a direct contravention of human rights law with respect to the right to education in conformity with parents’ wishes, as well as freedom of religion or belief.

⁶ See E.g. *Fox v Secretary of State for Education* (2015) <https://www.judiciary.uk/wp-content/uploads/2015/11/r-fox-v-ssfe.pdf> [accessed 11 November 2019], *Kjeldsen, Busk Madsen and Pedersen v Denmark* (1976). <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57509%22%5D%7D> [accessed 11 November 2019].



In mitigation of the proposal, the consultation paper states that, as is already the case, in addition to teaching RE ‘in a way that accords with [their] faith basis’, denominational schools will be expected to ‘provide neutral information on other religions and non-religious views’. It goes on to say that, where this is not happening, the right to withdraw is ‘not the appropriate mechanism’ to deal with the problem and this should be tackled at school-level. The consultation document also says ‘parental rights in the second sentence of Article 2 Protocol 1 will be appropriately respected if the RE... provided it does not involve indoctrination and is provided in an objective, critical and pluralistic manner.’ While the final statement is itself correct, the requisite degree of objectivity and pluralism is simply not compatible with the continuation of faith-based religious instruction of the type that is to be permitted in faith schools. Such schools may (and indeed should) teach about other perspectives, but because they aim to initiate children into a particular – usually Christian – worldview, and the law will allow this, they exhibit a level of bias towards a faith that, without a right to withdraw, amounts to the imposition of that faith on pupils and their families.

In other words, RE in faith schools is not merely quantitative, it is qualitative – it doesn’t simply involve devoting more curriculum time to a particular religious perspective, it treats that perspective as true or, at the very least, more worthy of consideration and adherence than others. Case law in this area⁷ has found that even partial exemptions from such teaching are not enough to bring it into line with A2P1. The state has ‘a duty to take care that information or knowledge included in the curriculum is conveyed in a pluralistic manner’⁸ that refers not only to **what** is on that curriculum but **how** it is delivered, and may not be satisfied even in cases where the state’s overarching aim was not itself one of ‘indoctrination’.⁹ Indeed, a recent European Court of Human Rights judgment involving conscience-based exemptions from RE in Greece found that it is necessary for states ‘in so far as possible, to avoid a situation where pupils face a conflict between the religious education given by the school and the religious or philosophical convictions of their parents.’¹⁰

At the very least, any proposal that RE in faith schools be taught in an objective manner can only be taken seriously if the relevant exemptions concerning the treatment of religion in the curriculum in the Equality Act 2010 are abolished.

Here, it is also worth mentioning that some religious groups that run schools in Wales are explicitly against making their RE provision fully inclusive. In their initial public response to the consultation document, the Catholic Education Service even refers to the inclusion of non-religious worldviews in the subject as ‘dumbing down’.¹¹ This does not suggest that non-religious perspectives will be treated with the respect and seriousness necessary to ensure that RE in Catholic schools is adequately critical, objective, or pluralistic.

Unless there is a plan to abolish faith-based RE or, at the very least retain the right to withdraw from that aspect of the curriculum and make ‘Religions and Worldviews’ a separate subject, we would strongly reject the proposal to remove the parental right to withdraw from RE in faith schools. To press ahead with this potentially unlawful proposal threatens the right to freedom of religion or belief of children and their families and, in so doing, undermines the very purpose of the new curriculum.

⁷ *Folgerø v Norway* (2007) <http://hudoc.echr.coe.int/eng?i=001-81356> [accessed 11 November 2019].

⁸ *Fox v Secretary of State for Education* (2015) paragraph 31, <https://www.judiciary.uk/wp-content/uploads/2015/11/r-fox-v-ssfe.pdf> [accessed 11 November 2019].

⁹ *Zengin v Turkey* (2008) <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-82580%22%5D%7D> [accessed 11 November 2019].

¹⁰ *Papageorgio and Others v Greece* (2019) <http://hudoc.echr.coe.int/eng?i=001-197254> [accessed 11 November 2019]

¹¹ Catholic Education Service (2019) <https://www.catholiceducation.org.uk/component/k2/item/1003674-statement-from-the-catholic-education-service-on-the-consultation-to-re-and-rse-in-wales> [accessed 11 November 2019].



With all of that said, we are also concerned about the removal of the right of withdrawal outside of faith schools. Domestic case law in Belgium, based on the European Convention, has found that a right to withdraw must even be maintained with respect to ostensibly objective ethics classes, never mind about anything dealing with religion/s or humanism.¹²

Recommendations:

- Maintain the right to withdraw from Religions and Worldviews in all schools, including those without a religious character, at the very least until a fully inclusive curriculum is up and running, with all pupils receiving the critical, objective, and pluralistic teaching to which they are entitled, and this is seen to be working well.
- At the very least, the right to withdraw in faith schools is to be scrapped, unless prepared to also remove the right of faith groups to produce denominational syllabuses in line with the tenets of a particular religion.
- Alternatively, require faith schools to provide Religions and Worldviews as a separate subject from denominational RE with a right to withdraw maintained from the latter.

Collective worship in schools

A further issue that needs addressing as a matter of urgency if Wales is to meet the overarching aim to secure 'Strong and progressive equality and human rights protections for everyone in Wales' (Long-term Aim 2), is the legal requirement for all state schools to provide a daily act of collective worship of a broadly Christian character. This policy fundamentally negates the UNCRC requirement to protect freedom of religion or belief and similarly threatens the rights of parents to freedom of conscience, including in the upbringing of their children, enshrined under Articles 9 and Article 2 Protocol 1 European Convention on Human Rights.¹³

The Welsh Government has failed to respond to the recommendations of the Concluding Observations of the UN Committee on the Rights of the Child (2016) which stated that the Government should '**repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school**'.¹⁴

By requiring a daily religious worship that is 'wholly or mainly... Christian' in all state-funded schools, the law effectively imposes a particular faith perspective on all children irrespective of background. The fact that parents may exercise a legal right to withdraw their children from such worship is not sufficient to address the threat this poses to freedom of religion or belief for a number of reasons. First, because many parents are unaware that this right to withdraw exists they are not in a position to exercise it; second because, even when parents attempt to make use of this right, in practice schools do not always honour the request or make it deliberately difficult for the child to be withdrawn; finally – and most importantly – since, at least until the child or young person reaches the age of 16, pupils are unable to withdraw themselves from worship, their own rights to freedom of religion or belief are treated as identical to that of their parents when this patently isn't the case.

¹² de Pascale (2015) https://www.google.com/url?q=https://www.const-court.be/cgi/judgments_popup.php?lang%3De%26ArrestID%3D3863&sa=D&ust=1571935395472000&usg=AEQjCNEoS77fep4Flw75bkggNf8DAGaFw [accessed 11 November 2019].

¹³ European Convention on Human Rights https://www.echr.coe.int/Documents/Convention_ENG.pdf

¹⁴ UN Convention on the Rights of the Child, Committee on the Rights of the Child *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland* (July 2016) <<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=60kG1d%2EPPrICAqhKb7yhsKH0j6VpDS%2F%2EJqg2Jxb9gncnUyUgbnuttBweOlyfyYPkBbwffitW2JurgBRuMMxZqnGgerUdpjxij3uZ0bjOBOLNTNvO9fUIE0vA5Ltw0GL>>



What's more, there is currently no requirement written in to Welsh law for schools to provide pupils who have been withdrawn with a meaningful educational alternative to collective worship, so even those who successfully exercise this right are often left isolated in empty classrooms or corridors with little more to do than play on an iPad or read silently until their peers return. This is clearly discriminatory and should be addressed immediately.

The need for a right to withdraw demonstrates that collective worship represents a direct negation of inclusivity. Assemblies where members of the school community come together to learn about one another's beliefs and values, celebrate achievement, and appreciate the diversity of the world around them are a vitally important part of the school day. Since assemblies and worship are often conflated, when children are withdrawn from the latter, they are likely to miss out on the former. Indeed, we are often contacted by parents who, having withdrawn their children from worship, are deeply unhappy that they have been forced to take steps which will also mean that their children are being denied this fundamental part of their education simply because they are not Christian and unable to participate.

The continuation of statutory Christian worship contradicts much of the rationale for the new curriculum, particularly the requirement to ensure that children and young people develop into ethical citizens of Wales and the world. Given that, in other respects, this is likely to be the most inclusive curriculum in the UK, this undermines its purpose and risks diminishing the impact of the important changes this innovative curriculum seeks to make. Here it is worth noting that, despite its relevance to the substance of what is taught in Welsh schools, and the fact that, for pupils, worship is likely to be experienced as a kind of lesson which impacts on spiritual, moral, social, and cultural development, collective worship has been entirely excluded from the consultation on curriculum reforms.

We want to see the current law requiring daily collective worship replaced with a requirement for inclusive school assemblies. In this we are in agreement with many religious groups and all the major education unions. Such assemblies should explore topics such as happiness, sadness, beauty and the arts; encourage kindness, sharing and creativity; consider life, love, and death; and investigate what it means to be human. These assemblies should delve into different religious and non-religious points of view. But no-one should feel that their own beliefs are being contradicted, and that they are wrong for not sharing the religious views being presented by the teacher.

Recommendation: The Welsh Government should remove the requirement for collective worship in all Welsh schools and replace it with fully inclusive assemblies, which do not discriminate and demonstrate respect for children and families from all religion and belief backgrounds.

Relationships and sexuality education (RSE)

The introduction of compulsory relationships and sex education (RSE) for all children aged three to sixteen in 2022 will have a hugely positive impact on the rights and interests of all young people, and particularly for those with a range of protected characteristics, including LGBT pupils, women and girls, and people with disabilities. All the best evidence¹⁵ shows that teaching about different types of relationship, including sexual relationships, as well as about consent, sexual health, and the advantages of delaying sex, ensures that young people grow up healthier, happier, and more able to keep themselves, and those around them, safe. RSE also plays a very important safeguarding role

¹⁵ Sex Education Forum, *SRE: The Evidence* (2015)

<<https://www.sexeducationforum.org.uk/sites/default/files/field/attachment/SRE%20-%20the%20evidence%20-%20M%20arch%202015.pdf>> [accessed 19 September 2019]



which brings it into line with Article 19 of the UNCRC which requires that 'States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child'.¹⁶ For this reason, we think there should be no right for parents to withdraw their children from this vital, fact-based aspect of their education.

We agree with the Government's view that the 'existing legislation around sex and relationships education in Wales is outdated and not fit for the current world in which children and young people exist'.¹⁷ It is essential that the legislation is updated to ensure that these children and young people receive a statutory, standardised curriculum which is both inclusive and developmentally appropriate. It is true that the introduction of such a curriculum will require a high degree of commitment from teachers and school leaders. However, the risks of not providing this curriculum, particularly to marginalised groups (e.g. LGBTQ people or women and girls) as well as members of insular religious communities where issues (perceived to be) related to sex are treated as taboo, far outweigh the costs of making these changes.

As is evident from the various controversies arising from the introduction of statutory RSE in England,¹⁸ it is possible that some groups in Wales will attempt to stymie the introduction of the new RSE curriculum (or any proposal to remove or amend the parental right to withdraw) on religious grounds. This kind of resistance could threaten the potential of the subject to have the necessary impact on the aforementioned rights of children and young people. For this reason, the requirements of the UNCRC, including freedom of religion or belief, and protected characteristics like sex, sexual orientation, and gender identity must be kept front and centre when making policy decisions on the matter. Religious groups of all kinds include individuals with the full range of protected characteristics, and of course young people frequently decide during the course of their education that they hold a different religion or belief from their parents. It remains to be seen whether the Welsh Government will adequately take this into account when deciding what pupils should learn and whether to ensure that all children, irrespective of background, are given the opportunity to receive factually accurate, non-judgemental RSE as part of their broader education. We think it is essential that they do so.

Recommendation: We believe that LGBT inclusive content should be included in the guidance for this subject and that this content as well as the subject itself should become a compulsory part of the school curriculum.

Tackling religious discrimination in faith school admissions

Aim 6 includes a commitment to creating a framework to measure progress towards community cohesion and fostering good relations between all groups. We believe that addressing discrimination in the schools system, specifically religious selection in admissions policies, is crucial to achieving this aim. The most effective approach to encouraging integration is to facilitate the mixing of

¹⁶ Convention on the Rights of the Child (1989) <<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>> [accessed 19 September 2019]

¹⁷ *The Future of the Sex and Relationships Education Curriculum in Wales: Recommendations of the Sex and Relationships Education Expert Panel* (2017) <<https://gov.wales/sites/default/files/publications/2018-03/the-future-of-the-sex-and-relationships-education-curriculum-in-wales.pdf>> [accessed 19 September 2019]

¹⁸ See, for instance, this petition that was discussed in a recent Westminster Hall debate: <<https://petition.parliament.uk/petitions/235053>> [accessed 19 September 2019]



children in school. As well as being a simple matter of common sense, this is consistently borne out by the evidence.

In 2017, the Department for Education published research that it had commissioned into 'diversity and social cohesion in mixed and segregated secondary schools'. The study, which examined the contact between young people from White-British and Asian-British pupils at secondary schools in Oldham, sought to assess the extent to which mixing in school can 'improve both attitudes towards outgroups and intergroup relations.' Researchers found that:

- 'Attitudes were more positive and, as would be expected, mixing was more frequent in mixed than segregated schools.'
- 'Mixed schools do result in more social mixing between ethnic groups over time, and mixing is reliably associated with more positive views of the outgroup.'
- 'Attitudes of pupils who mix with other backgrounds were more positive compared to those who remain with their own ethnicities.'

In addition, the study examined the outcomes of a merger of two ethnically segregated schools into a single mixed school, finding that 'over a four-year period, intergroup anxiety significant decreased, and liking and outgroup contact significantly increased for both Asian-British and White British pupils.'¹⁹

More recently, in May 2018, new research conducted by the University of Bristol and the London School of Economics revealed that schools that are more ethnically diverse lead to greater cohesion between children of different ethnicities. The study of 4,000 Year 10 pupils in 96 English state schools focused on children who are white British, Asian British, and black British. It looked at attitudes towards 'openness', both social and political, as well as asking pupils to rate their feelings of warmth towards those of different backgrounds on a scale from zero to one hundred.

The findings demonstrated that at more diverse schools a higher proportion of pupils expressed more warmth towards those of other ethnicities. For children of a white British ethnicity, for every ten percent increase in the number of black pupils in their school, their feelings towards them increased by 1.74 points on the scale. With regard to schools that were less diverse, the report warned that:

'highly segregated school system[s] will generate a lot of pupils with negative orientations towards other groups'

The report concluded that 'the value to researching and implementing policies to encourage integration and contact is therefore clear'.²⁰

In a similar study published in January 2015, survey data was collected from over 100,000 13 and 14 year olds in 38 countries to ascertain whether or not more diverse classrooms make pupils more tolerant towards immigrants and those from different backgrounds. The research found that more

¹⁹ DfE, *Diversity and social cohesion in mixed and segregated schools in Oldham*, August 2017:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/634118/Diversity_and_Social_Cohesion_in_Oldham_schools.pdf

²⁰ Centre for Research and Analysis of Migration, *Inter-ethnic relations of teenagers in England's schools: the role of school and neighbourhood ethnic composition*, 2018.

http://www.cream-migration.org/publ_uploads/CDP_07_18.pdf



diverse classrooms produce more tolerant students, and concluded that 'schools should be as inclusive in their admissions policies as possible'. The report also emphasised the need to positively encourage meaningful inter-ethnic contact and friendship within schools and classrooms so as to ensure that diversity and integration go hand-in-hand.²¹

It should be noted, too, that increased diversity within schools is valued by parents. A survey published by NatCen Social Research in May 2018 found that 91% of people in Britain agree that it is either 'very important' or 'quite important' for a good secondary school to have a mix of pupils from different backgrounds.²² This is reflected in the fact that an overwhelming majority of the population are opposed to the use of faith-based admissions criteria, which divide children along religious lines (and, by proxy, along ethnic and socio-economic lines too). 80% of the British public supported keeping the 50% cap on religious selection at free schools when polled last year (including a majority within each religious group),²³ and 72% of people oppose any kind of religious selection at all in school admissions.²⁴

In sum, therefore, the evidence is absolutely clear that mixing in schools is vital to promoting integration and social cohesion, just as it is clear that the majority of people support such mixing.

Recommendation: The Welsh Government should seriously consider withdrawing the freedom of state faith schools to religiously select their pupils, and in so doing prioritise the interests of children and society as a whole over the minority opinions of a small and unrepresentative faith school lobby.

Discrimination in faith school employment

The European Employment Directive is mis-transposed into UK law with respect to employment in English and Welsh religious schools. Currently, the Equality Act 2010 has an exception written into it (Schedule 22(4)) permitting much wider discrimination on the basis of religion or belief in these settings than just where a genuine occupational requirement (GOR) can be demonstrated. The Directive has no similar exception and quite rightly only allows such discrimination in the case of a GOR.

From 2010-16 there was a formal investigation by the European Commission into this discrepancy. In private correspondence as part of this the UK Government admitted the issue is genuine, but said that the courts could be relied upon to interpret the Equality Act correctly in light of the Directive, effectively rendering the exemptions it includes meaningless. That is clearly not an acceptable solution, however, and in light of Brexit it may soon be the case that the courts cannot be relied upon in this way and the discrepancy in transposition could therefore not be rectified.

The EHRC has called for reform of religious discrimination in a report into religion and belief in the workplace in 2016. Amongst other things, the EHRC has concluded, the law around 'faith' school

²¹ Germ Janmaat, *Do Ethnically Mixed Classrooms Promote Inclusive Attitudes Towards Immigrants Everywhere? A Study Among Native Adolescents in 14 Countries*, January 2015:
<http://discovery.ucl.ac.uk/10021124/>

²² NatCen Social Research, *Attitudes towards good schools and selective education*, May 2018:
<http://natcen.ac.uk/media/1442622/grammar-school-selective-education-report-final.pdf>

²³ Accord Coalition, *Populous interviewed 2,033 people living in Britain between May 5th to the 7th 2017*:
<http://accordcoalition.org.uk/2017/05/29/overwhelming-majority-of-the-public-want-to-maintain-the-50-r eligious-selection-cap-for-new-faith-schools/>

²⁴ Accord Coalition, *Faith School Survey 14-16 October 2016*
http://accordcoalition.org.uk/wp-content/uploads/2016/10/OmFaith-Schools_Q2.pdf



employment in England and Wales, in allowing religious schools to widely discriminate – often against every teacher – on the basis of religion in who they employ, is ‘arbitrary’ and goes beyond what is permitted by European law. UK law should be reviewed (and hence, possibly, amended) so that religious schools can only discriminate where there is a genuine and legitimate requirement that the occupation has to be filled by someone of a certain faith – for example, for the head of RE in a religious school that teaches faith-based RE.

Recommendation: The Welsh Government should repeal this exemption, only allowing schools with a religious character to discriminate in the employment of teaching staff when a GOR can be demonstrated.

Religious discrimination in NHS and prison pastoral support roles

We campaign for an end to religious discrimination in publicly funded posts, most notably in the provision of chaplaincy/pastoral support services in the NHS, the prison service, armed forces, and universities. In the past two years we have challenged a number of NHS Trusts who have unlawfully restricted roles to candidates of certain religions.

Humanists UK founded the Non-Religious Pastoral Support Network (NRPSN) in 2015 to train and accredit carers to provide like-minded pastoral support to non-religious people facing difficult life challenges in institutional settings. Currently, almost 20% of prisons and 45% of hospitals in England and Wales have a non-religious pastoral carer in their team, including some paid posts, such as Lindsay van Dijk, who last year was appointed the first humanist to lead an NHS Trust’s chaplaincy/pastoral care team.

There is currently not a single non-religious pastoral carer employed in an NHS Trust/ Board in Wales, nor in any prison. While the 2011 Census records 32% of the population of Wales as having no religion, in 2017 (the most recent year available) the British Social Attitudes Survey recorded that 56% of the adult population in Wales record themselves as having ‘No religion’, compared to 16.9% Anglican, 6.6% Roman Catholic, 20% other Christian denominations, and less than 1% of other religions.²⁵ Using either of these measures, there is a disparity between the needs of the non-religious population of Wales and the provision of services provided for them, in an almost exclusively Anglican led chaplaincy service.

Polling strongly suggests that there is a demand for non-religious pastoral carers. In July 2016 YouGov, on behalf of Humanists UK, polled 4,000 British adults on whether they agreed or disagreed with the following statement: ‘Prisons, hospitals and universities which have chaplains should also have a dedicated non-religious pastoral support provider as well’. 69% agreed and just 12% disagreed. Notably, these results remained unchanged when the religions of the respondents were factored in. Both Christians and non-Christian religious respondents agreed with the statement by 66% supportive to 16% opposed.

Non-religious patients and prisoners should not be thought of having no belief systems or a generic belief system that can be accounted for within a solely religious chaplaincy team. Just as a Muslim prisoner may have spiritual and pastoral needs, such as rituals, discussions, and expressions of belief system that cannot be accommodated by a non-Muslim chaplain, a non-religious prisoner will have needs that require like-minded support, such as discussion and exploration about

²⁵ British Social Attitudes Survey 2017, <http://www.britsocat.com/>



non-religious beliefs about death, bereavement, and approaches to morality.

Recommendation: The Welsh Government should ensure that fully inclusive chaplaincy guidance on spirituality, health and wellbeing in Wales to adopted by NHS Wales. A Government lead committee is looking at producing such guidance.

Question 4: What are your thoughts regarding the approach of developing Equality Objectives that contribute to longer term, aspirational aims?

We have no comment to make on this question.

Question 5: Do you agree with the intended approach to develop a small number of key actions under each Objective, linked to the 6 domains in Is Wales Fairer? 2018, as exemplars to demonstrate how the objectives will be achieved?

We broadly agree with the plan to develop action to promote equality in the areas of education, work, living standards, health, justice and security, and participation in society, but strongly suggest that the recommendations we have outlined above form part of those actions.

Question 6: Do you agree with the intention to continue to align Equality and Inclusion funding with the Strategic Equality Objectives?

Yes.

Question 7: We would like to know your views on the effects that the proposed Strategic Equality Objectives would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How might we build momentum and increase any positive impact of these effects, or where you think there might be negative effects, what can we do to mitigate them?

We have no comment to make on this question.

Question 8: Please also explain how you believe the proposed Strategic Equality Objectives could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

We have no comment to make on this question.

Question 9: 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.

N/A

For more details, information and evidence, contact Humanists UK:

Kathy Riddick
Coordinator, Wales Humanists
kathy.riddick@humanism.org.uk
humanists.uk

