

INTEGRATED REVIEW : CALL FOR EVIDENCE

Response from Defence Humanists, September 2020

GENERAL INFORMATION

1. Full name

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I have read the Integrated Review Call for Evidence Privacy Notice and understand that any responses submitted by organisations or representatives of organisations may be published in full.

2. Are you responding

I am on behalf of an organisation / company

6. Organisation / Company

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RECOMMENDATION

- The Ministry of Defence should commission an independent review of pastoral support for the armed forces which takes into account the changing religion and belief demographics and the need for a multi-faith and belief approach, including for personnel holding non-religious beliefs, and puts forward proposals for restructuring and modernising chaplaincy and pastoral support provided to the armed forces.

ABOUT DEFENCE HUMANISTS

1. In 2010, Humanists UK founded its section Defence Humanists, formerly known as the UK Armed Forces Humanist Association, to mark the contribution of non-religious armed forces personnel. Defence Humanists is a growing body of service people, their families, veterans, and civilian members of the Ministry of Defence who seek to represent the interests of all those who subscribe to non-religious beliefs. Defence Humanists currently has more than



500 members and supporters. This is larger than the number of both Jewish and Sikh personnel in the whole armed forces. It is supported by a committee composed of serving personnel from each of the armed forces including reservists and the civil service. The organisation is supported by two prominent patrons, Professor AC Grayling CBE, who has written extensively on the philosophy and morality of armed conflict, and the military historian and broadcaster Dan Snow.

2. A particular area of focus for Defence Humanists is the provision of pastoral support for non-religious personnel. As an organisation Humanists UK has extensive experience of training and providing high-quality pastoral carers in civilian services including in hospitals and prisons. We have begun the process of building upon our success in these fields to provide pastoral support in the armed forces. Defence Humanists has held a series of meetings and workshops with the Armed Forces Chaplaincy Centre and continues to have productive discussions with the Ministry of Defence on how such support could be provided.

ABOUT HUMANISTS UK

3. At Humanists UK, we want a tolerant world where rational thinking and kindness prevail, for the one life we have. Since 1896, our work has been helping people be happier and more fulfilled. By bringing non-religious people together we help them develop their own views and an understanding of the world around them. Together with our partners Humanist Society Scotland, we speak for Founded in 1896, we are trusted to promote humanism by over 90,000 members and supporters and over 100 members of the All Party Parliamentary Humanist Group. 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.
4. In 2016, we founded Humanist Care and the Non-Religious Pastoral Support Network (NRPSN) to provide high-quality pastoral, spiritual, and specific non-religious care in the NHS, prisons, and (in the future, we hope in time, subject to the IR response to this submission) the armed forces, to non-religious people experiencing challenging life circumstances. To this end, we have trained and accredited a network of over 250 pastoral carers who are operating both in a voluntary capacity across the NHS and prison service and in paid positions within NHS Chaplaincy and Pastoral Support teams and one prison's chaplaincy team. Although founded as part of Humanists UK, membership of the NRPSN is not limited to humanists and is open to all those who hold a non-religious worldview that is consistent and worthy of respect in a democratic society. 40% of NHS trusts now have a humanist pastoral supporter, and that number has grown at a rate of about 10 percentage points a year.

MODERNISING DEFENCE: REFORM OF ARMED FORCES PASTORAL CARE

5. The availability of high-quality pastoral support, tailored to individual belief systems, is essential to supporting service people through the challenges of a service career and to enhance the fighting effectiveness of the armed forces. However, there is currently no dedicated pastoral support provision for the non-religious. Non-religious personnel only have access to pastoral care provided almost exclusively by Christian chaplaincy, which is not accredited to act in this capacity. The effective monopoly on the provision of pastoral



care that rests with the Christian churches could be seen as counter to the MOD view to embrace diversity and broaden the recruiting base.

6. According to the British Social Attitudes Survey, 52 percent of the UK population identifies as non-religious,¹ with this rising to more than 70 percent of young people (18-24) – the armed forces' principal recruiting base.² Some 56,000 regular and reserve personnel currently formally identify as non-religious, the second largest belief group, after Christians.³ According to Government statistics, the proportion of regular military non-religious personnel has risen from 15.5 percent as at 1 October 2012 to 31.1 percent as at 1 April 2020, a 100 percent increase in only eight years.⁴ On current trends, and following the pattern in wider society, it is likely that the armed forces will become some 50 percent non-religious, or greater, in the period 2025-30.
7. Non-religious pastoral care is well-established in other areas of the public sector, including by the National Health Service and Her Majesty's Prison and Probation Service. And there is substantial precedent in other nations' armed forces for humanist pastoral care provision. The Netherlands' armed forces have had humanist pastoral care for 55 years; the Norwegians and Belgians make such provision, and the Australian Navy has recently reformed its chaplaincy to cater to the needs of non-religious personnel by employing non-religious pastoral carers.⁵

THE NEED FOR LIKE-MINDED SUPPORT FROM PERSONNEL

8. Research has demonstrated that there is a substantial need for non-religious pastoral care in other institutional settings in the UK, namely in hospitals and prisons, and Humanists UK believes that similar need exists within the armed forces. In 2011, Humanists UK commissioned an independent scoping exercise of the current pastoral care provision in the UK. The purpose of the review was to answer the key question: is there a need to develop a non-religious pastoral care service? A thorough analysis of current practice was coupled with surveys and focus groups, and a pilot in Winchester prison, which yielded the answer – 'yes'. Non-religious people wanted someone like-minded to speak to. To be clear, the results of this research showed that non-religious prisoners (those who had registered as 'nil religion', not just those who had stated that they were atheists or humanists) wanted

¹ British Social Attitudes Survey, *Religion Identity, behaviour and belief over two decades*, British Social Attitudes 36. https://www.bsa.natcen.ac.uk/media/39293/1_bsa36_religion.pdf

² Humanists UK, 'Latest British Social Attitudes reveals 71% of young adults are non-religious, just 3% are Church of England'. September 4th 2017.

<https://humanism.org.uk/2017/09/04/latest-british-social-attitudes-reveals-71-of-young-adults-are-non-religious-just-3-are-church-of-england>

³ Not including some 8,000 Defence civilians. National Statistics, *UK armed forces biannual diversity statistics: 2020*.

<https://www.gov.uk/government/statistics/uk-armed-forces-biannual-diversity-statistics-2020>;
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/803045/Civilian_Diversity_Dashboard_Apr_19_-_Publication.pdf

⁴ Ibid.

⁵ Navy Daily, 'New Chaplaincy branch introduces non-religious care option' 11 May 2020.

https://news.navy.gov.au/en/May2020/Fleet/5849/New-Chaplaincy-branch-introduces-non-religious-care-option.htm#_X1jTe97Yrre



pastoral support that reflected their worldview. As a direct result of this finding, Humanists UK has been training and accrediting people to enter institutional settings to provide support, forming the NRPSN to carry this work forward.

9. The NRPSN recognises the good work of religious chaplaincy teams in providing high-quality pastoral, spiritual, and religious care to members of their respective religions. However, there are times when a Christian would wish to speak to a Christian, a Muslim to a Muslim, a Buddhist to a Buddhist, and similar occasions when a non-religious person would like to speak with someone who shares their worldview. The development of this non-religious provision is not about replacing religious chaplains, but to work alongside them to increase the overall package of care available, and enhance the choice for prisoners to ensure they receive the most appropriate support. In 2015, Dr David Savage, Chair of the NRPSN, researched visiting patterns of religious chaplains at Guy's and St Thomas' NHS Foundation Trust which showed that only 4% of visits in his hospital by religious chaplains were to the 40% of patients who are not religious, strongly suggesting their needs were not being met. Dr Savage concluded 'the data on repeat visits shows that chaplains were very willing to visit patients who were not religious or who had not specified a religion or belief. It is not that the chaplains did not want to see such patients. It could be that such patients did not want to see a chaplain. There may well be some occasions when patients want to talk to a like-minded carer.'⁶ Since then the Trust has employed a humanist pastoral carer to meet this need. Similarly, the Network for Pastoral, Spiritual, and Religious Care in Health's report pastoral care in acute NHS trusts showed 96 percent of visits were to Christian patient, suggesting that those of other religions or beliefs are not choosing to access these demonationally specific services.⁷
10. The trial at Winchester Prison showed a similar level of demand for like-minded support. There is a high turn-out for humanist events, and prisoners reported that they appreciated the opportunity to meet with like-minded people, talk about non-crime-related subjects that interested them, and to learn about others' point of view. This fostered a sense of belonging, encouraging reflection, and provided a support network: all things that religious prisoners can get from attending services and scripture study classes, but that non-religious prisoners were otherwise missing out on. These benefits help with rehabilitation and therefore are in the interests of HMPPS, the prisoner, and wider society to promote.
11. We believe that similar demand for like-minded non-religious pastoral support exists within the armed services.

THE NON-RELIGIOUS ARE NOT SERVED BY RELIGIOUS CHAPLAINCY

⁶ Dr David Savage, "All faiths and none"? An Audit of Chaplains' Visits', *Health and Social Care Chaplaincy*, vol 3 no 1 (2015). <https://journals.equinoxpub.com/index.php/HSCC/article/view/26550>

⁷ The Network for Pastoral, Spiritual, and Religious Care in Health, 'Fit for the Twenty-First Century? The State of Inclusion for Acute NHS Chaplaincy Pastoral, Spiritual and Religious Care Services in England. The State of Inclusion for Acute NHS Chaplaincy Pastoral, Spiritual and Religious Care Services in England' January 2020 http://network-health.org.uk/documents/NPSPCH_report_web.pdf



12. Non-religious serving personnel have the same need to make sense of the profound issues they face during an armed forces career as those personnel who are religious. It is not the case that personnel, having freely made a choice to identify as non-religious, have needs that can be served through an exclusively religious, or predominantly Anglican, chaplaincy service, even if delivered 'generically'. **Just as religious personnel will have religious or spiritual needs related to their beliefs that require a denominationally specific approach, non-religious personnel have spiritual and pastoral needs that can only be addressed by someone of like mind.**

LEGAL REQUIREMENTS FOR EQUAL TREATMENT OF THE NON- RELIGIOUS

13. The principle that those of different belief systems should be treated differently is enshrined in case of law at the European Court of Human Rights. In the 2000 case, *Thlimmenos v. Greece*,⁸ a case related to the employment of a Jehovah's Witness, the court maintained that states have a duty under the European Convention on Human Rights to 'introduce appropriate exceptions' and failure to do so without objective and reasonable justification is indirect discrimination. In short, the Court found that:

- 'The Court has so far considered that the right under Article 14 not to be discriminated against in the enjoyment of the rights guaranteed under the Convention is violated when States treat differently persons in analogous situations without providing an objective and reasonable justification.
- 'However, the Court considers that this is not the only facet of the prohibition of discrimination in Article 14. The right not to be discriminated against in the enjoyment of the rights guaranteed under the Convention is also violated when States without an objective and reasonable justification fail to treat differently persons whose situations are significantly different.'⁹

14. The implications of this judgment within armed forces chaplaincy is clear. Non-religious beliefs, such as humanism, with regards to substantial and weighty aspects of life, including the belief that there is no afterlife, cannot be accommodated within a solely religious chaplaincy service. Failure to make provision for non-religious pastoral care would be discrimination. Moreover, by stating that non-religious personnel can be covered by generic religious chaplaincy, whilst recognising that religious personnel have belief-specific needs, is directly discriminating against non-religious personnel by failing to recognise that their needs are significantly different to those of religious personnel, equally have belief-specific needs, and to make exceptions to account for those differences.

15. The MOD is also required by law to provide an equal provision of services to all personnel regardless of their religion or belief under the Human Rights Act 1998 and the Equality Act 2010. Article 14, read with Article 9 of the European Court of Human Rights, which enshrines the European Convention on Human Rights (ECHR) into UK law, makes it unlawful to discriminate against a person on the grounds of their religion, belief or lack of religion or

⁸ Minority Rights Group, *Thlimmenos v. Greece*
<https://minorityrights.org/law-and-legal-cases/thlimmenos-v-greece-2/>

⁹ Ibid.



belief system.

Equality Act 2010

16. Pastoral support provision must at all times be understood in the context of the Equality Act 2010, which makes it illegal for a public authority to discriminate based on 'religion or belief'. Section 10 of the 2010 Act provides:

- '(1) Religion means any religion and a reference to religion includes a reference to a lack of religion.
- (2) Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.
- (3) In relation to the protected characteristic of religion or belief –
 - (a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular religion or belief;
 - (b) a reference to persons who share a protected characteristic is a reference to persons who are of the same religion or belief.'

17. Section 149 of the Equality Act 2010 (known as the public sector equality duty, or PSED) provides:

- '(1) A public authority must, in the exercise of its functions, have due regard to the need to–
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to–
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.'

The MOD is responsible for appointing pastoral carers as part of their overall duty to support personnel within the armed forces. Accordingly, in deciding on the criteria that an applicant for this position needs to fulfil, the MOD needs to take into account the PSED in the exercise of its functions. Pastoral care provision for the non-religious would be in line with the



Department's statement that 'It is not only morally right to ensure that Defence is representative of society, but there is a business imperative for taking strong and persistent action – a diverse and inclusive organisation is a stronger, healthier and more resilient organisation.'¹⁰

European Convention of Human Rights (ECHR)

18. Section 6(1) of the Human Rights Act 1998 ('the 1998 Act') states:

'It is unlawful for a public authority to act in a way which is incompatible with a Convention right.'

Article 9 of the ECHR as set out in Schedule 1 of the 1998 Act, states:

'(1) Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

(2) Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.'

Article 14 of the ECHR, as set out in Schedule 1 of the 1998 Act states:

'The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.'

19. The MOD is a public body and accordingly is required to act and make decisions which are compatible with the ECHR rights of the personnel it serves and employs. A decision by the MOD to spend public funds to employ an additional chaplain of one particular religion which is already represented, in circumstances where there is a lack of representation of pastoral supporters who are non-religious, may be incompatible with the MOD's duties under Article 14, taken together with Article 9.

CARRYING OUT A REVIEW

20. We, therefore, think that the MOD should conduct a review into the current provision of pastoral care in the armed forces, with a view to fulfilling its duties under the Equality Act and Human Rights Act with regards to religion or belief. Other institutions, including the NHS and HMPPS in recent years have moved towards a multi-faith and belief and person-centred model. The MOD should consider how it can innovate its provision to provide high-quality and like-minded pastoral care to an increasingly diverse and secular personnel.

21. Any **review** should:

¹⁰ Defence People Plan 2018.



- Be led by an **independent figure**.
- Focus predominantly on the **requirements of serving personnel**.
- Also **consult** faith and belief organisations, Service family groups and Service welfare and charitable sector organisations.
- Conduct an **Equality Analysis** to assess current provision against the MOD's responsibilities under the public sector equality duty
- Explore the **training, education and accreditation** issues, in line with Defence Academy standards, associated with professional, uniformed pastoral care.
- Draw on **existing models** from other nations' armed forces.
- Look also for **financial efficiencies** through reform of existing structures.
- Work to a strict **deadline** for delivery of proposals for consideration by Ministers, including a robust, resourced project plan for implementation.

22. A review of pastoral support provided to the armed forces would strongly underpin the message that the IR's 'Modernising Defence' strand is exactly that; and signal that, by addressing the wellbeing of individual Service personnel, the IR is about more than force structure and capability.

23. Any proposals for reform of pastoral support provision will necessarily have resource implications, but it should be possible to achieve reform within (or close to) the resource envelope for the existing Chaplaincy. An important dimension of any review will be to seek optimum value-for-money and possible efficiencies through restructuring.

OTHER OPTIONS

- **Do nothing.** This would lead to an increasing mismatch between the belief demography of Service personnel and provision of pastoral support by Christian-only chaplaincy, and maintain the MOD's likely illegal position on this matter.
- **Employ non-religious pastoral carers to fill the current gap in provision.**
- **Conduct a review of pastoral support provision during the Integrated Review.** Given the tight timelines for completion of the review and the many other issues it needs to consider, this is probably unrealistic.

RECOMMENDATION

- The Ministry of Defence should commission an independent review of pastoral support for the armed forces which takes into account the changing religion and belief demographics and the need for a multi-faith and belief approach, including for personnel holding non-religious beliefs, and puts forward proposals for restructuring and modernising chaplaincy and pastoral support provided to the armed forces.

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