

# CHILDREN IN WALES: CALL FOR EVIDENCE ON STATE OF CHILDREN'S RIGHTS IN WALES

Response from Wales Humanists,  
September 2020

## ABOUT WALES HUMANISTS

Wales Humanists is a part of 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, Humanists UK is trusted to promote humanism by over 85,000 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.

We have a long history of work in education, children's rights, and equality, with expertise in the 'religion or belief' strand. We have been involved in policy development around the school and the curriculum for over 60 years. We also provide materials and advice to parents, governors, students, teachers and academics, for example through our Understanding Humanism website<sup>1</sup> and our school speakers programme. We have made detailed responses to all recent reviews of the school curriculum in Wales (and the rest of the UK) and submit memoranda of evidence to MSs, MPs, civil servants, and parliamentary select committees on a range of education issues.

We are an active member of many organisations working in education in the UK, including the Religious Education Council for England and Wales (REC), of which we are a founding member, and our Chief Executive was until recently the Treasurer; the Welsh Association of Standing Advisory Councils on RE (WASACRE), of which our Wales Coordinator is an executive committee member; and, in England, the Sex Education Forum, the PSHE Association, and the Children's Rights Alliance for England (CRAE). We have been on all Welsh and UK government steering groups that have reviewed RE in recent years and currently sit on the Welsh Government working groups for RVE and RSE.

Our primary interests in children's rights relate to issues surrounding education (in particular RVE, PSE/RSE, citizenship, and science), collective worship/school assemblies, state-funded religious schools, and the removal of the defence of 'reasonable punishment' in cases of physical assault against children.

## SUMMARY

In response to the call for evidence, we raise the following issues:

- 1) Incorporation of the UNCRC into Welsh law;
- 2) Legal requirement to conduct Christian collective worship in schools;
- 3) Religiously selective school admissions policies;

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<sup>1</sup> Understanding Humanism (2020) <<https://understandinghumanism.org.uk/>> [accessed 18 August 2020].



- 4) Inclusive provision of religious education (RE/RVE);
- 5) Relationships and sexuality education;
- 6) Regulation of home education and unregistered schools.

Issue 1 is an overarching issue, and issues 2-6 fall primarily under thematic area 5 of the call for evidence – Education, Leisure, and Cultural Activities. However, issues 5 and 6 also fall under area 3 – Safeguarding Children including Violence against Children.

## 1. INCORPORATION OF THE UNCRC INTO WELSH LAW

In the years following the last set of Concluding Observations, the Rights of Children and Young Persons Measure 2011<sup>2</sup> has been reasonably successful in facilitating the Welsh Government to begin implementing policies that demonstrate respect for and promote knowledge and understanding of the United Nations Convention on the Rights of the Child (UNCRC) in schools and education.

We strongly welcome the fact that the UNCRC is fully embedded into the new curriculum for Wales, and that it directly motivates one of that curriculum's four key purposes, namely, to create 'ethically informed citizens of Wales and the World'.<sup>3</sup> We have also heard from those working on the ground that the training offered to schools by the Children's Commissioner's Office and Local Authority youth forums has been of a high standard and, along with the availability of UNCRC materials in all schools, this has meant that many more children are now aware of their rights and school staff are better able to support them than was previously the case. This knowledge and understanding is likely to be further enhanced by the explicit inclusion of teaching about human rights in the Humanities Area of Learning and Experience (AoLE).<sup>4</sup>

We nevertheless think that, to fully consolidate these changes, the UNCRC itself ought to be incorporated directly into Welsh law. This would send a clear message that Wales is committed to children's rights and make the Convention directly enforceable rather than, as is currently the case under the 2011 Measure, something which retains an optional status as long as the Government pays it 'due regard' during the policy-making process. We note that such legislation is currently passing through the Scottish Parliament.<sup>5</sup>

We further note that the duties arising from the Measure have not been fully embedded across the activities of the Welsh Government or, as explained in more detail below, at local authority level. This is most clearly demonstrated by the number of policy areas remaining which do not as yet fully comply with the UNCRC. This is particularly evident in the area of religion or belief where the

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<sup>2</sup> Rights of Children and Young Persons (Wales) Measure 2011 <<https://www.legislation.gov.uk/mwa/2011/2/contents>> [accessed 4 September 2020].

<sup>3</sup> *Curriculum for Wales Guidance* (January 2020), p.11 <<https://hwb.gov.wales/curriculum-for-wales>> [accessed 4 September 2020].

<sup>4</sup> *Area of Learning and Experience: Humanities* (2020), Section 4 <<https://hwb.gov.wales/curriculum-for-wales/humanities/descriptions-of-learning/>> [accessed 4 September 2020].

<sup>5</sup> Humanists UK, 'Scotland to enshrine UN Convention on children's rights into law' (2 September 2020) <<https://humanism.org.uk/2020/09/02/scotland-to-enshrine-un-convention-on-childrens-rights-into-law/>> [accessed 10 September 2020].



continuing existence of compulsory collective worship and faith-based selection policies undermines the freedom of conscience outlined in Article 14 of the Convention.<sup>6</sup>

## 2. LEGAL REQUIREMENT TO CONDUCT CHRISTIAN COLLECTIVE WORSHIP IN SCHOOLS

Despite the UN Committee's recommendation that the requirement be repealed,<sup>7</sup> schools are still legally mandated to carry out a daily act of collective worship that is 'wholly or mainly of a broadly Christian character'.<sup>8</sup> Although schools can opt – through a process called 'determination' – to have worship that aligns with an alternative faith, they are not permitted to opt out of delivering worship altogether.

Compliance with the law on collective worship is inspected by Estyn. This differs from England where Ofsted ceased such inspections in 2004.<sup>9</sup> Similar legislative requirements don't exist in Scotland. As a result, Welsh schools are far more likely to carry out this practice than their counterparts elsewhere in Britain.

In Wales, England and Northern Ireland, parents have a legal right to withdraw their children from collective worship. And, since 2006, sixth-form pupils in Wales and England have been permitted to withdraw themselves from these sessions. However, this ignores the fact that, under both the Human Rights Act 1998 and Article 14 of the United Nations Convention on the Rights of the Child (UNCRC), younger children also have the right to freedom of religion or belief; a right that is not respected when religious worship is imposed upon them. Furthermore, by treating Christian worship as the default, the current system illegitimately favours one faith perspective over other religious and non-religious beliefs and presupposes that children will participate in religious activities unless they or their parents opt-out. This not only risks the freedom of conscience of pupils and families who are not aware of the right to withdraw, but indirectly requires those who do exercise this option to reveal information about what they believe in a way that could risk the right to privacy outlined in Article 16.

By only allowing children to opt out of collective worship at the age of 16, we do not think that UK law currently enables children to fully realise their 'Gillick competence'<sup>10</sup> rights in a 'manner that is consistent with' their 'evolving capacities', as established in European case law and reflected in

<sup>6</sup> Convention on the Rights of the Child (1989) <<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>> [accessed 04 September 2020].

<sup>7</sup> 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://docs.tore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhskH0j6VpDS%2F%2FJqg2Jxb9gncnUyUqbnuttBwe0lyifyYPkbbwffitW2JurgBRuMMxZqnGgerUdpixii3uZ0bjQB0LNTNvQ9fUIEOvA5Ltw0G>> [accessed 18 August 2020].

<sup>8</sup> School Standards and Framework Act 1998 <<https://www.legislation.gov.uk/ukpga/1998/31/part/II/chapter/VI/crossheading/religious-worship>> [accessed 18 August 2020].

<sup>9</sup> Polly Curtis, 'End daily worship in schools, says Ofsted head', *The Guardian*, (11 June 2004) <<https://www.theguardian.com/education/2004/jun/11/schools.uk>> [accessed 7 September 2020].

<sup>10</sup> See *Gillick v West Norfolk and Wisbech AHA* [1985] UKHL 7 (17 October 1985).



Articles 12 and 14 of the UNCRC. This view has been repeatedly endorsed by the UK Parliament's Joint Committee on Human Rights (JCHR), for example in reports in 2006 (prior to the devolution of education law to Wales),<sup>11</sup> 2008 (with reference to the English law, which is identical in this area),<sup>12</sup> and 2010 (ditto).<sup>13</sup> The issue of withdrawal is particularly pertinent for young people in the latter stages of secondary education who may even have reached the age of 16 but, because they have not yet begun sixth-form, may still not be able to opt out of worship.

What's more, even when parents request an exemption, the process of withdrawal is often difficult (not least because the law is often poorly understood by schools). Children who have been removed from worship are rarely given a meaningful alternative of equal educational value during the time their peers are attending worship. Indeed, in 2019 two non-religious parents, Lee and Lizanne Harris (supported by Humanists UK), took a legal challenge against their children's school in England because it refused to provide just such an alternative.<sup>14</sup> When the Trust that runs the school eventually backed down after the Harrises won permission to have their case heard at the High Court, the school agreed to provide an inclusive alternative to the Harris children and any other withdrawn children whose parents wished them to receive it.

As the law is identical in England and Wales, this logically ought to mean that similar arrangements are possible at other schools. However, most parents who would like to see a meaningful alternative to collective worship in their child's school won't be in a position to mount time-consuming legal proceedings. What's more, such action may risk alienating the family from the school. For this reason, this is clearly not the most desirable means by which to ensure that children get the kind of non-discriminatory provision to which they are entitled under Article 2 of the UNCRC. Instead, this aim would be far better met by a change to the law.

Unfortunately, however, the Welsh Government has said that it won't take action on the issue of collective worship in the current Senedd term.<sup>15</sup> This is despite the fact that 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 (which is predicated on understanding and exercising 'human and democratic

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<sup>11</sup> Joint Committee on Human Rights, *Legislative Scrutiny: Thirteenth Progress Report, Twenty-fifth Report of Session 2005-06*, paragraphs 2.1-2.6 <<https://publications.parliament.uk/pa/jt200506/jtselect/jtrights/241/241.pdf>> [accessed 19 August 2020].

<sup>12</sup> Joint Committee on Human Rights, *Legislative Scrutiny: Education and Skills Bill, Nineteenth Report of Session 2007-08*, paragraphs 1.40-1.45 <<https://publications.parliament.uk/pa/jt200708/jtselect/jtrights/107/107.pdf>> [accessed 19 August 2020].

<sup>13</sup> Joint Committee on Human Rights, *Legislative Scrutiny: Children, Schools and Families Bill; other Bills, Eighth Report of Session 2009-10*, paragraphs 1.30-1.40 <<http://www.publications.parliament.uk/pa/jt200910/jtselect/jtrights/57/57.pdf>> [accessed 19 August 2020].

<sup>14</sup> Humanists UK, 'School concedes in collective worship case - will provide alternative assemblies' <<https://humanism.org.uk/2019/11/20/school-concedes-in-collective-worship-legal-case-will-provide-alternative-assemblies/>> [accessed 19 August 2020].

<sup>15</sup> Humanists UK, 'Disappointment as Welsh Government refuses to act on collective worship during current assembly term' (8 January 2020) <<https://humanism.org.uk/2020/01/08/disappointment-as-welsh-government-refuses-to-act-on-collective-worship-during-current-assembly-term/>> [accessed 9 September 2020].



responsibilities and rights<sup>16</sup>). 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.

The Minister has also explicitly accepted that the current law on collective worship raises human rights issues and has said that if she personally was 'starting from a blank piece of paper,' she would be unlikely to 'enshrine the law in the way it currently is'.<sup>17</sup> Seemingly, the decision not to take action on the issue was motivated by the view that the Government must prioritise the changes to the curriculum over ostensibly less important changes to collective worship. However, here it is worth noting that this separation of the curriculum from what happens in other aspects of the school day is largely artificial. For pupils, worship delivered by teachers in a school environment is very likely to be experienced in a similar way to a lesson, making the fact this form of spiritual, moral, social, and cultural development is inconsistent with the proposed changes in the wider curriculum all the more difficult to defend.

For all these reasons, we strongly believe that the UNCRC can only properly be considered to have taken effect once collective worship has been abolished. We therefore urge the Welsh Government to remove the requirement for collective worship in all schools in Wales and replace it with fully inclusive assemblies, which do not discriminate and demonstrate respect for children and families from all religion and belief backgrounds.

### Recommendations

- In line with the last set of Concluding Observations, the Welsh Government should take steps to repeal the legal requirement for Christian collective worship in schools as soon as possible;
- To ensure that all children in Wales receive a broad and balanced education that fosters their spiritual, moral, social, and cultural development, collective worship should be replaced with a requirement to conduct inclusive assemblies that are suitable for all regardless of background;<sup>18</sup>
- In the period between now and when this new requirement is introduced, all children who are withdrawn from collective worship should be provided with a meaningful alternative to

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<sup>16</sup> Welsh Government, 'Developing a vision for curriculum design' (January 2020) <<https://hwb.gov.wales/curriculum-for-wales/designing-your-curriculum/developing-a-vision-for-curriculum-design/#curriculum-design-and-the-four-purposes>> [accessed 9 September 2020].

<sup>17</sup> Humanists UK, 'Disappointment as Welsh Government refuses to act on collective worship during current assembly term' (8 January 2020) <<https://humanism.org.uk/2020/01/08/disappointment-as-welsh-government-refuses-to-act-on-collective-worship-during-current-assembly-term/>> [accessed 9 September 2020].

<sup>18</sup> Schools will not currently be holding large gatherings or assemblies in order to meet their collective worship requirements due to coronavirus restrictions. However, this does not necessarily mean that worship won't take place in smaller groups and it is the content, rather than the format, these sessions take that puts them at odds with children's rights. Inclusive assemblies could similarly be conducted in small groups, but, for all the reasons outlined above, would far better protect the freedom of religion or belief of the pupils involved than collective worship.





collective worship that follows the inclusive model and the requirement for Estyn to inspect compliance with collective worship rules should be abolished.<sup>19</sup>

### 3. RELIGIOUSLY SELECTIVE SCHOOL ADMISSIONS POLICIES

State-funded schools designated with a religious character enjoy an exemption to the Equality Act which means they are legally permitted to select their pupils on the basis of faith.<sup>20</sup> Religious discrimination in school admissions clearly violates Article 2 of the UNCRC, as well as Article 14, since the right and ability of children to be autonomous and hold different beliefs to their parents is severely limited by the ability of faith schools to discriminate on the basis of parental belief and practice.

Further, there is a wealth of robust evidence to demonstrate that religious selection not only segregates pupils according to religion, but also along ethnic and socio-economic lines, as well as by prior attainment.<sup>21</sup> As studies that control for pupil background show,<sup>22</sup> it is this, rather than a faith ethos, that accounts for any enhanced levels of attainment or performance in national league tables. However, this data tends to fuel the idea that faith schools are 'better' than other types of school and encourages parents (particularly the highly educated and those from more advantaged socio-economic groups) to use all the means at their disposal to gain a place, and exacerbating existing inequalities.

To put it another way, faith schools are socio-economically selective, because their religious admissions policies enable them to skim the richest, most advantaged pupils from their areas while the rest fail to meet their more complex admissions criteria. Evidence from England shows that, overall, comprehensive secondaries with no religious character admit 5% more pupils eligible for free school meals than live in their local areas. But comprehensive Church of England secondaries admit 15% fewer; Roman Catholic secondaries 28% fewer; Jewish secondaries 63% fewer; and

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<sup>19</sup> NB: We recognise that Estyn inspections are currently suspended and that the normal inspection regime will not resume until the new curriculum has been embedded, so this recommendation applies to inspections that take place after that time.

<sup>20</sup> Equality Act 2010, Schedule 11(5) <<https://www.legislation.gov.uk/ukpga/2010/15/schedule/11>> [accessed 19 August 2020].

<sup>21</sup> For an overview see Accord Coalition, *Databank of Independent Evidence on Faith Schools* (2020) <<http://accordcoalition.org.uk/research/>> [accessed 13 May 2020] and Fair Admissions Campaign, *Research into religiously selective admissions criteria* (2017) <<http://fairadmissions.org.uk/wp-content/uploads/2017/08/2017-08-29-FINAL-Religious-Selection-Research-Survey.pdf>> [accessed 14 May 2020].

<sup>22</sup> See Education Policy Institute, *Faith Schools, pupil performance, and social selection* (2016) <<https://epi.org.uk/publications-and-research/faith-schools-pupil-performance-social-selection/>>; or Stephen Gibbons and

Olmo Silva, 'Faith Primary Schools: Better Schools or Better Pupils', *Discussion Paper No. 72* from the Centre for the Economics of Education (CEE) at CEP <<http://cee.lse.ac.uk/cee%20dps/ceedp72.pdf>>; or Humanists UK, 'Secondary league tables unfairly benefit religious schools by ignoring pupil backgrounds say academics' (2019) <<https://humanism.org.uk/2019/01/24/secondary-league-tables-unfairly-benefit-religious-schools-by-ignoring-pupil-backgrounds-say-academics/>> [accessed 12 May 2020].



Muslim secondaries 29% fewer.<sup>23</sup> Research by the Sutton Trust has also established a trend for faith schools to be some of the most socially selective, both at the primary level<sup>24</sup> and among top-performing comprehensive secondaries.<sup>25</sup>

Religious admissions policies have also been demonstrated to segregate along ethnic lines. For example, Catholic schools in England take 4.4% fewer Asian pupils than would be expected given the makeup of their local areas.<sup>26</sup> There is a well-established relationship between poverty, disadvantage, and being a member of a Black, Asian, or Minority Ethnic (BAME) group. Given this, it seems plain that the issue of socio-economic diversity simply cannot be addressed without acknowledging the detrimental impact of religiously selective admissions.

Religiously selective policies clearly do not 'reduce the effects of the social background... on... achievement in school' or 'guarantee the right of all children to a truly inclusive education in all parts of the State party.'<sup>27</sup> Indeed, unlike other schools (which are legally obliged to prioritise looked after and previously looked after children in their admissions policies), faith schools are permitted to prioritise all children who share the faith over looked after and previously looked after children who do not. Forthcoming research from Humanists UK demonstrates that, in England, 76% of state-funded Catholic schools and 100% of state-funded Jewish schools do this.<sup>28</sup>

Not only does religious selection involve discrimination that violates Article 2 of UNCRC and contradicts the recommendation, outlined in the 2016 Concluding Observations, that the Government should 'strengthen... preventive activities against discrimination and stigmatization'.<sup>29</sup> But the segregation it perpetuates also means many young people are denied the opportunity to mix with those from differing backgrounds. This robs such pupils of the meaningful interactions

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<sup>23</sup> Fair Admissions Campaign, *Overview of issues to do with religious selection in schools* (2015) <<http://fairadmissions.org.uk/wp-content/uploads/2015/09/Overview-of-issues-to-do-with-religious-selection-in-school-admissions.pdf>> [accessed 12 May 2020].

<sup>24</sup> Rebecca Allen and Meenakshi Parameshwaran (for The Sutton Trust), *Caught Out: Primary schools, catchment areas and social selection* (2016) <[https://www.suttontrust.com/wp-content/uploads/2019/12/Caught-Out\\_Research-brief\\_April-16-1.pdf](https://www.suttontrust.com/wp-content/uploads/2019/12/Caught-Out_Research-brief_April-16-1.pdf)> [accessed 14 May 2020].

<sup>25</sup> Carl Cullinane, Jude Hillary, Joana Andrade and Stephen McNamara (for The Sutton Trust), *Selective Comprehensives 2017: Admissions to high-attaining non-selective schools for disadvantaged pupils* (2017) <<https://www.suttontrust.com/wp-content/uploads/2019/12/Selective-Comprehensives-2017.pdf>> [accessed 12 May 2020].

<sup>26</sup> Fair Admissions Campaign, *Overview of issues to do with religious selection in schools* (2015) <<http://fairadmissions.org.uk/wp-content/uploads/2015/09/Overview-of-issues-to-do-with-religious-selection-in-school-admissions.pdf>> [accessed 12 May 2020].

<sup>27</sup> UN Committee on the Rights of the Child, *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*, (2016) para 72(a) <[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGBR%2fCO%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGBR%2fCO%2f5&Lang=en)> [accessed 19 August 2020].

<sup>28</sup> Forthcoming report due for publication in Autumn 2020.

<sup>29</sup> UN Committee on the Rights of the Child, *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*, (2016) para 21 (c) <[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGBR%2fCO%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGBR%2fCO%2f5&Lang=en)> [accessed 19 August 2020].



necessary to build sustainable inter-communal relationships and fails to properly prepare them for 'a responsible life in a free society' as required by Article 29.

Research by a team from the University of Oxford shows that pupils in ethnically mixed schools are more trusting and have more positive views of children from different backgrounds than do pupils in segregated schools.<sup>30</sup> Elsewhere, the authors of the same study argue that 'faith schools, to the extent that they are segregated, deprive young people of the opportunity to mix across ethnic and religious lines' in a manner that thwarts positive attitudes to members of so-called 'outgroups'.<sup>31</sup> For this reason, religiously selective policies actively work against the Committee's recommendations on tackling bullying in schools by 'building capacities of students and staff members to respect diversity'.<sup>32</sup>

## Recommendations

- The law permitting denominational schools to select pupils on faith grounds when oversubscribed should be abolished;
- All schools should be encouraged to actively recruit pupils from diverse backgrounds and the Government should take steps to reward good practice in this area.

## 4. THE INCLUSIVE PROVISION OF RELIGIOUS EDUCATION (RE/RVE)

The inclusion of religions and humanism equally in the new religious education (RE) curriculum via the Curriculum and Assessment (Wales) Bill<sup>33</sup> is a hugely positive step which, if implemented, will begin to bring Wales into line with the Human Rights Act 1998 and the UNCRC with respect to freedom of religion or belief.

Here it is important to note that the changes proposed in the Bill do not involve a substantive change to the law. The Human Rights Act (following the European Convention on Human Rights) already dictates that humanism must be treated equally to religions, and the judgment in the only domestic case law on the issue found that a curriculum which systematically excluded the teaching of humanism would fail to meet the legal standard of being 'objective, critical, and pluralistic'.<sup>34</sup>

<sup>30</sup> Miles Hewstone et al. *Diversity and Social Cohesion in Mixed and Segregated Secondary Schools in Oldham* (2017) <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/634118/Diversity\\_and\\_Social\\_Cohesion\\_in\\_Oldham\\_schools.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/634118/Diversity_and_Social_Cohesion_in_Oldham_schools.pdf)> [accessed 15 May 2020].

<sup>31</sup> Miles Hewstone et al. 'Influence of segregation versus mixing: Intergroup contact and attitudes among White-British and Asian-British students in high schools in Oldham, England' *Theory and Research in Education* (2018) Volume: 16 issue: 2, page(s): 179-203 <<https://journals.sagepub.com/doi/full/10.1177/1477878518779879>> [accessed 15 May 2020].

<sup>32</sup> UN Committee on the Rights of the Child, *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland* (2016) para 48 (a) <[https://tbinternet.ohchr.org/\\_layouts/15/reatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGBR%2fCO%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/reatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGBR%2fCO%2f5&Lang=en)> [accessed 19 August 2020].

<sup>33</sup> Curriculum and Assessment (Wales) Bill (2020) <<https://senedd.wales/laid%20documents/pri-ld13294/pri-ld13294%20-e.pdf>> [accessed 7 September 2020].

<sup>34</sup> See *R (Fox) v Secretary of State for Education* (2015) <<https://www.judiciary.uk/wp-content/uploads/2015/11/r-fox-v-ssfe.pdf>> [accessed 18 June 2020].





The most recent British Social Attitudes Survey suggests that 52% of British and 57% of Welsh adults belong to no religion,<sup>35</sup> a figure that rises to 63% amongst those Britons aged 18-24.<sup>36</sup> It would presumably be even higher for Welsh young people. The failure to include adequate coverage of the beliefs of such a significant proportion of the population is not in keeping with the spirit of Article 13 of the UNCRC, which guarantees the right of the child 'to seek, receive and impart information and ideas of all kinds,' or with the overall principles of non-discrimination in Article 2, or the freedom of religion or belief enshrined in Article 14.

The Government in Wales has explicitly sought to reform the law by clarifying that humanism must be taught on an equal footing with world religions, and humanists may sit on the bodies that develop and oversee the syllabus (known as Agreed Syllabus Conferences, or ASCs, and Standing Advisory Councils on Religious Education, or SACREs). To reflect the broader scope of the subject, its name is to be changed to Religion, Values, and Ethics (RVE). It is also proposed that, to protect the right to freedom of religion or belief in light of the removal of the right to withdraw from the subject, the parents of learners attending voluntary aided faith schools will be permitted to demand objective RVE lessons in accordance with the locally agreed syllabus as a meaningful alternative to the faith-based RE that is usually taught in these schools.

But, while progress has been made at a national level, such developments have not always been reflected at the local level. Local authorities have been slow to recognise the need for change in areas of equality that help to support children's rights. This can be seen, for example, in cases where LAs have refused to grant humanist representatives full membership of SACREs and ASCs, therefore depriving children – particularly those from non-religious backgrounds – of adequately inclusive provision. This change is now gradually taking place thanks in part to support from the Education Minister who, in 2018, directed local authorities to ensure that SACREs and ASCs treat those with non-religious beliefs equally to those with religious beliefs.<sup>37</sup> And, as mentioned above, the Government is now also proposing to change the wording of the law so that it adequately reflects this position. However, despite this guidance and these proposals, some LAs are yet to take steps to improve the situation and appoint a humanist member to these bodies.

The continued existence of SACREs and ASCs which fail to adequately include humanist representatives is highly likely to entail the production of syllabuses which misrepresent or caricature humanist perspectives. Since it is deemed essential that religious groups are given the opportunity to ensure the curriculum presents their beliefs in an authentic way, the same right must be afforded to humanists.

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<sup>35</sup> Humanists UK, 'Latest British Social Attitudes Survey shows continuing rise of the non-religious' (11 July 2019) <<https://humanism.org.uk/2019/07/11/latest-british-social-attitudes-survey-shows-continuing-rise-of-the-non-religious/>> [accessed 20 August 2020].

<sup>36</sup> See British Social Attitudes Information System, 2018 survey with cross-tabs by age <[http://www.britisocat.com/BodyTwoCol\\_rpt.aspx?control=CCESDMarginals&MapID=RELIGSUM&SeriesID=12](http://www.britisocat.com/BodyTwoCol_rpt.aspx?control=CCESDMarginals&MapID=RELIGSUM&SeriesID=12)> [accessed 20 August 2020].

<sup>37</sup> Letter from Kirsty Williams to Local Authority Directors of Education (May, 2018) <[https://humanism.org.uk/wp-content/uploads/KW\\_0783\\_18-en.pdf](https://humanism.org.uk/wp-content/uploads/KW_0783_18-en.pdf)> [accessed 13 July 2020].



For all these reasons, the proposed introduction of a group on SACREs and ASCs which is composed of 'persons to represent such non-religious philosophical convictions... as, in the opinion of the authority, ought to be represented'<sup>38</sup> is not only welcome, but vital.

### **RVE in faith schools and the abolition of the right to withdraw**

The law in Wales permits schools with a religious character to provide religious instruction and collective worship in line with a particular faith. In our view, 'confessional' practices that aim to inculcate children into a particular religious perspective like this fly in the face of the requirements of the UNCRC because they ignore the freedom of belief of children and generally treat their Article 14 rights as identical with those of their parents. This is starkly illustrated by the fact that, in most cases, those with sufficient maturity are not empowered to opt out of 'confessional' religious activities.

To improve this situation, policy makers must, at the very least, consider permitting young people who are capable of making decisions about the education they wish to receive on religious matters to withdraw from this type of activity even when they attend faith schools. One way to ensure that this happens in the context of the new curriculum would be to transfer the proposed parental right to demand inclusive RVE lessons (taught in accordance with the locally agreed syllabus in place of faith-based education) to older, sufficiently mature pupils.

In order to ensure that pupils have access to the full curriculum, the Curriculum and Assessment (Wales) Bill proposes to abolish the parental right to withdraw from RVE and relationships and sexuality education (discussed in point 5 below). We were initially concerned about the proposal to remove the right to withdraw because it currently acts as an important safety valve for the protection of the freedom of religion or belief in the event that these lessons are taught in a partisan or insufficiently pluralistic way.<sup>39</sup> We were particularly worried about the removal of the right to withdraw from RVE in faith schools, where religious bodies will retain the right to teach the subject from a faith perspective in a way which, because it endorses a particular religion, would constitute indoctrination under human rights law.<sup>40</sup>

Many parents, particularly those living in rural areas, have little choice over where to send their children.<sup>41</sup> This means many pupils end up in faith schools when they and their families do not share the religion of the school. These families are currently forced to decide between religious indoctrination or opting out of religious education altogether, thus socially isolating themselves, and missing a vitally important aspect of their education. However, despite our earlier concerns, we believe that the provision in the Curriculum and Assessment (Wales) Bill for voluntary aided schools

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<sup>38</sup> Curriculum and Assessment (Wales) Bill (2020), Schedule 2, Minor and consequential amendments and repeals, 26 (4) (aa) p.51 <<https://senedd.wales/laid%20documents/pri-ld13294/pri-ld13294%20-e.pdf>>

<sup>39</sup> Humanists UK, 'Scrapping right to withdraw from RE could undermine human rights law says legal expert' (2020) <<https://humanism.org.uk/2020/02/08/scrapping-right-to-withdraw-from-re-could-undermine-human-rights-law-says-legal-expert/>> [accessed 13 July 2020].

<sup>40</sup> See e.g. European Court of Human Rights (2020) *Guide on Article 2 of Protocol No. 1 – Right to education* p.18 <[https://www.echr.coe.int/Documents/Guide\\_Art\\_2\\_Protocol\\_1\\_ENG.pdf](https://www.echr.coe.int/Documents/Guide_Art_2_Protocol_1_ENG.pdf)> [accessed 13 July 2020].

<sup>41</sup> This has become an increasing problem in areas where small rural community schools have been amalgamated into one larger school, which has then been designated as Church in Wales, for example <<https://www.denbighshire.gov.uk/en/your-council/consultations/llanfair-dc-pentrecelyn-consultation-report-en.pdf>> [accessed 10 September 2020].



with religious character to provide RVE in accordance with the locally agreed syllabus when parents demand this<sup>42</sup> is an innovative solution to this problem and marks a significant improvement on the current situation. We nevertheless think that a number of minor amendments are required to make these proposals fit for purpose.

First, as already mentioned, the right to demand objective RVE according to the agreed syllabus should transfer from parents to pupils from Year 10 onwards. This would bring the policy into line with the case law on Gillick competence.<sup>43</sup> It would also better respect the conscience rights of children and young people<sup>44, 45</sup> and fits more closely with the requirement, outlined in the Rights of Children and Young Persons Measure 2011,<sup>46</sup> that policy decisions take proper account of the UNCRC. What's more, given that children are currently expected to exercise a degree of choice over what they will be taught in years 10 and 11 when they select their GCSE options at the end of year 9, there is a clear point at which it would be reasonable to begin to offer this alternative. Further, whether it is the parent or the child responsible for deciding to participate in agreed syllabus RVE, the Welsh Government must establish a process to ensure that parents and children are regularly informed of their rights in this regard (e.g. at the start of every academic year or at the point any new pupil joins the school). Ideally, VA schools should be required to explicitly ask parents (or, where relevant, children) to select the type of R(V)E they prefer, rather than simply defaulting to faith-based RE unless told otherwise. This will help to ensure that all parents make the choice right for their children, and would prevent children feeling singled out when they or their parents make this choice.

Second, to ensure the alternative provision complies with the statutory regulations and is adequately 'objective, critical, and pluralistic', it must be taught by competent teachers who understand the difference between this and faith-based religious instruction. This is unlikely in schools where all of the teachers are employed on religious grounds – as is currently permitted. For this reason, VA schools should be required to retain a suitable number of 'reserved' teachers who are trained to teach pluralistic RVE, and the legal provision that allows these teachers to be selected, remunerated, promoted, or dismissed according to faith should be removed.

Finally, agreed syllabus provision should be inspected by a neutral body, preferably Estyn, rather than the denominational bodies that currently inspect faith-based RE and which are unlikely to have the requisite expertise or impartiality to judge when provision meets the pluralistic standard.

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<sup>42</sup> Curriculum and Assessment (Wales) Bill (2020), schedule 1, paragraph 8(4) <<https://senedd.wales/laid%20documents/pri-ld13294/pri-ld13294%20-e.pdf>> [accessed 7 September 2020].

<sup>43</sup> Gillick v West Norfolk and Wisbech AHA [1985] UKHL 7 (17 October 1985) <<https://www.bailii.org/uk/cases/UKHL/1985/7.html>> [accessed 13 July 2020].

<sup>44</sup> Human Rights Act 1998, Article 9 <<http://www.legislation.gov.uk/ukpga/1998/42/schedule/1>> [accessed 13 July 2020].

<sup>45</sup> United Nations Convention on the Rights of the Child 1989, Art. 14 <<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>> [accessed 13 July 2020].

<sup>46</sup> This stipulates that 'Welsh Ministers must, when exercising any of their functions, have due regard to the requirements of [the Convention].' <<http://www.legislation.gov.uk/mwa/2011/2/section/1>> [accessed 13 July 2020].



This is evidenced by the fact that some religious bodies that run faith schools in Wales, notably the Catholic Education Service, are arguing that the introduction of non-religious perspectives will mean that RVE is not as intellectually rigorous as existing religious education and constitutes 'dumbing down'.<sup>47</sup>

### **RVE in non-denominational schools**

We firmly believe that children attending schools with no religious character ought to receive a fully inclusive education in RVE that treats religious and humanist perspectives equally. We are, nevertheless, concerned about the greater flexibility afforded to individual schools by the Curriculum and Assessment (Wales) Bill. At present, schools are expected 'to teach in accordance with' their locally agreed syllabus. However, under the new Bill they will only be required to 'have regard' to that syllabus, granting them more discretion over what they teach.<sup>48</sup> This could risk the Article 14 rights of children, especially if the guidance given to ASCs regarding what it means for a syllabus is insufficiently detailed.

As already noted, it is imperative that the RVE curriculum is objective, critical, and pluralistic. However, if schools and teachers are granted a great deal of flexibility with respect to how they meet this standard, it will become more likely that oversight and failures occur. At present, the right to withdraw acts as a partial safeguard for freedom of religion or belief in the event of poor practice. Once this is abolished, lessons which fail to meet the statutory standards will immediately jeopardise the human rights of those receiving them. In other words, when RVE is introduced there will be less room for error than under the current regulatory regime, so it is more important that the subject is taught well and the curriculum meets the required standards. Granting schools the freedom to innovate before these standards have been properly digested and understood puts learners' rights at risk and opens schools up to litigation on this basis.

Of course, many of these issues could be eliminated by the provision of an RVE code similar to the one proposed for RSE (see below). Alongside this, the Government should consider issuing comprehensive guidance which explains the law – including on what it means for a curriculum to be objective, critical, and pluralistic, and what 'having regard to' the agreed syllabus constitutes in this context – as well as on the content of RVE itself. This could also be supplemented by additional training for teachers and proper oversight by school inspectorate Estyn.

Of course, in circumstances where the ASC has failed to adequately meet the necessary standards (a situation which, unfortunately, has been all too common in the past), greater flexibility might actually enable schools to provide a better syllabus than the one developed at a local level. Nevertheless, it is worth pointing out that, unlike other areas of the curriculum where the link to human rights law is not so direct, RVE is particularly open to misinterpretation. For this reason, a

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<sup>47</sup> Catholic Education Service, 'Statement from the Catholic Education Service on the consultation on RE and RSE in Wales' (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].

<sup>48</sup> Curriculum and Assessment (Wales) Bill (2020), schedule 1, paragraph 2(2) <<https://senedd.wales/laid%20ocuments/pri-ld13294/pri-ld13294%20-e.pdf>> [accessed 7 September 2020].



more prescriptive approach may be desirable, especially while the new curriculum is being embedded.

## Recommendations

- Grant older pupils in voluntary aided faith schools (year 10 and 11) the power to opt-in to RVE taught according to the agreed syllabus to fully respect their rights to freedom of religion or belief;
- Ensure that inclusive RVE taught according to the locally agreed syllabus is inspected by Estyn rather than denominational bodies;
- Ensure that teachers in all schools, but particularly those in schools with a religious character, understand the difference between objective, critical, and pluralistic RVE and that taught from a faith perspective, as well as the legal ramifications of not taking this difference seriously. Welsh Government should consider publishing guidance on this issue;
- Require that a suitable number of 'reserved' teachers in VA schools are trained to teach pluralistic RVE and remove the legal provision that allows such teachers to be selected, remunerated, promoted, or dismissed according to faith;
- Require that VA schools with a faith character provide parents and older pupils with an explicit choice between faith-based and agreed syllabus RVE, or at the very least, fully inform them of their right to demand the subject in accordance with the agreed syllabus. This should be done through school policy documents, the school website, and parents should be provided with regular reminders every academic year/when new pupils join the school.

## 5. COMPULSORY RELATIONSHIPS AND SEXUALITY EDUCATION IN THE NEW CURRICULUM FOR WALES

The introduction of compulsory relationships and sexuality education (RSE) for all children aged five 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 evidence<sup>49</sup> 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 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

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<sup>49</sup> Sex Education Forum, *SRE: The Evidence* (2015) <<https://www.sexeducationforum.org.uk/sites/default/files/field/attachment/SRE%20-%20the%20evidence%20-%20March%202015.pdf>> [accessed 19 September 2019]





the care of the child'.<sup>50</sup> For these reasons, we agree with the proposal, outlined in the Curriculum and Assessment (Wales) Bill, that there should be no right for parents to withdraw their children from this vital, fact-based aspect of their education.

We agree with the Welsh 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'.<sup>51</sup> For this reason, 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,<sup>52</sup> it is possible that some groups in Wales will attempt to stymie the introduction of the new RSE curriculum (or the proposal to remove 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. However, the proposal to implement an RSE code<sup>53</sup> which sets out non-negotiable content for the subject and will include teaching in six key areas derived from the UNESCO technical guidance for sexuality education<sup>54</sup> – Rights and Equity, Relationships, Sex, gender and sexuality, Bodies and Body Image, Sexual Health and Well-being, and Violence, Safety and Support – certainly appears to constitute a strong step in the right direction.

## Recommendations

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<sup>50</sup> Convention on the Rights of the Child (1989) <<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>> [accessed 19 September 2019]

<sup>51</sup> *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].

<sup>52</sup> See, for instance, this petition that was discussed in a recent Westminster Hall debate: <<https://petition.parliament.uk/petitions/235053>> [accessed 19 September 2019]

<sup>53</sup> See Welsh Government, *Curriculum and Assessment Wales Bill: Explanatory Memorandum*, para 3.65-3.69 (July 2020) <<https://gov.wales/sites/default/files/publications/2020-07/curriculum-and-assessment-bill-explanatory-memorandum.pdf>> [accessed 7 September 2020].

<sup>54</sup> UNESCO, *International technical guidance for sexuality education* (2018) <<https://unesdoc.unesco.org/ark:/48223/pf0000260770>> [accessed 9 September 2020].



- The RSE Code and associated guidance must ensure that the curriculum is fully LGBT inclusive;
- All pupils, regardless of background, religion, or belief should be granted access to the full, objective RSE curriculum;
- Schools with a religious character should be expected to cover the same content in RSE lessons as other schools, with no option to offer a differentiated curriculum on faith grounds.

## 6. REGULATION OF HOME EDUCATION AND UNREGISTERED SCHOOLS

In 2019, the Welsh Government consulted on new statutory guidance on elective home education. In spring 2020, it consulted on a proposal to implement local authority databases to assist LAs in the identification of children of compulsory school age, including those educated otherwise than at school.<sup>55</sup>

While neither the proposed guidance or database was perfect – not least because they did not include a legal duty for home educating parents to register their children – we believe that both marked a significant step towards protecting the rights of children in Wales. We were therefore dismayed to learn, ostensibly due to the coronavirus crisis, that the Government would not be taking either proposal forward during the current Senedd term.<sup>56</sup>

In our view, the requirement for local authorities to maintain and populate a database of compulsory school-aged children in their area (featuring basic information to assist them to identify those who are and are not on a school roll) is particularly essential. This is not only because such a register will enable LAs to ascertain which children and young people are at risk of not receiving a suitable education, and address the situation accordingly. It is also because it will help to prevent unscrupulous providers of illegal or unregistered schools from using legal loopholes relating to supplementary education for home educated pupils as a cover for their activities.

In England, illegal schools are a particular problem, with over 6,000 children currently thought to be receiving their only education in such establishments.<sup>57</sup> Many are taught by unqualified teachers in appalling conditions and there is a total lack of safeguarding. When these schools have a religious character, the curriculum is usually narrow, focused on learning religious scripture (sometimes including extreme misogynistic and homophobic content) to the exclusion of other basic subjects such as English and Maths. Indeed, we have worked with former pupils from these schools who

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<sup>55</sup> Welsh Government, *Home education: statutory guidance for local authorities and handbook for home educators* (2019) <<https://gov.wales/home-education-statutory-guidance-local-authorities-and-handbook-home-educators>> [accessed 8 September 2020].

<sup>56</sup> Kirsty Williams MS, Minister for Education, 'Written statement on home education statutory guidance and draft database regulations', (22 June 2020) <<https://gov.wales/written-statement-home-education-statutory-guidance-and-draft-database-regulations>> [accessed 8 September 2020].

<sup>57</sup> Ofsted, 'New data shows illegal schools are a huge nationwide problem' (April 12 2019) <<https://www.gov.uk/government/news/new-data-shows-illegal-schools-are-a-huge-nationwide-problem>> [accessed 10 September 2020].



grew up in England but left unable to speak English and found themselves ill-prepared for life in modern Britain. As adults, they now say the language barrier was 'deliberately implemented' as a way for community leaders to '[limit] contact between community members and outsiders'. Investigations we conducted into the practices of illegal schools, including a joint investigation with *BBC News at Six and Ten*,<sup>58</sup> have also found that corporal punishment and physical abuse is often the norm.<sup>59</sup>

The existence of illegal and unregistered schools clearly undermines a number of key Convention rights, including Article 19 – which requires state parties to '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 [and] maltreatment', be that by parents or in school; and Article 28 – the right to education, which also explicitly requires that school discipline should be administered in a manner consistent with the child's human dignity and in conformity with the present Convention. Pupils in unregistered schools with a religious character are also denied their Article 14 freedoms of religion or belief through being forced to study a narrowly religious curriculum that is designed to indoctrinate only one perspective.

We are therefore keen that such establishments are not able to open or operate in Wales. We think that the clear guidance on what constitutes full-time education set out in the Welsh Government consultation on new guidance on home education, alongside a dynamic register of home educated pupils that parents are legally obligated to use, would help to prevent those hoping to run such settings from claiming that they are merely providing supplementary education for home-educated pupils.

Here it is worth noting that the draft guidance the Welsh Government produced was explicitly based on the UNCRC and demonstrated a clear intent to fully support children's rights on their part. This was particularly evident in the sections which emphasised the necessity of respecting and giving due weight to children's own views under article 12 of the Convention, but also in the list of suggested characteristics of a suitable and efficient education. This included the expectation that the education on offer in the home environment '[responded] to the needs and the best interests of the child'<sup>60</sup> (putting it firmly in line with Article 3 of the Convention) and '[enhances] the child's potential'. The latter is necessary under Article 29, which states that the 'education of the child shall be directed to: The development of the child's personality, talents and mental and physical abilities to their fullest potential'. Nevertheless, we were concerned that the proposed guidance was relatively silent on the issue of relationships and sexuality education, as well as on health education for those educated otherwise than at school. It also contained insufficient advice on how

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<sup>58</sup> Humanists UK, 'Joint BBC/Humanists UK investigation: abuse at illegal religious schools' (26 February 2018) <<https://humanism.org.uk/2018/02/26/joint-bbc-humanists-uk-investigation-abuse-at-illegal-religious-schools/>> [accessed 9 September 2020].

<sup>59</sup> Ibid.

<sup>60</sup> Welsh Government, *Draft statutory guidance for local authorities on home education* (July 2019), p.18 <<https://gov.wales/sites/default/files/consultations/2019-07/draft-statutory-guidance-for-local-authorities-on-home-education.pdf>> [accessed 9 September 2020].



local authorities may best support the freedom of religion or belief of home educated children (independently from that of their parents), which is protected under Article 14 of the Convention.

In our view, the decision to drop the various proposals on elective home education are to be regretted. Joined-up legislation on the issue is vital if the rights of children who are educated outside of school settings are to be protected and if the issues that have arisen in England relating to illegal, unregistered settings are to be avoided.

### **Recommendations**

- A legal duty on home educating parents to register their children on the relevant LA database in addition to the one placed on LAs to maintain such a database;
- Joined-up legislation on home education and all out-of-school settings (including after school clubs, tuition centres, etc.) to ensure that illegal schools do not become a problem in Wales. This should include a register of such settings, alongside a duty to share information on the children attending them;
- The Government should also introduce a statutory definition of full-time education so that it includes any setting where a child receives all or most of their education.

**For more details, information and evidence, contact Wales Humanists:**

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