

## **BHA BRIEFING: Discrimination by Birmingham SACRE against humanists** **12 June 2014**



### **Briefing from the British Humanist Association (BHA)**

In response to freedom of information requests submitted to Birmingham Council and the Department for Education (DfE), the British Humanist Association has uncovered hundreds of pages of documents revealing repeated attempts to ensure the exclusion of humanists from Birmingham's Standing Advisory Council for Religious Education (SACRE) and to get removed any reference to teaching about Humanism or non-religious worldviews from national religious education (RE) documents. In particular, during the consultation on the Government's 2010 non-statutory guidance for RE, legal advice was sought to support the view that Humanism should not be included, and a 'tracked changes' version of the document was produced deleting all such references (as well as positive endorsements of the Religious Education Council). Using the legal advice judicial review was seemingly threatened, and these efforts appear to have influenced the guidance's advice on the place of humanists on SACREs.

The efforts to exclude Humanism and non-religious worldviews were initiated by the then-Chair and Deputy Chair of the SACRE, Guy Hordern and Marius Felderhof, with support from the then-Birmingham Cabinet member responsible for education, Les Lawrence, and the Church of England Bishop of Birmingham, David Urquhart. More recently Mr Hordern and Dr Felderhof have been renewing their efforts, focusing instead on the RE Council's RE Subject Review. We are publishing extracts from these documents for the first time in order to demonstrate the extent of Hordern and Felderhof's efforts, and the single-minded determinedness with which this issue has been pursued – to an extent, we would suggest, that far exceeds any reasonable interest in a point of law or fair-minded religious education for the city's children and instead passes into an active campaign of discrimination against the non-religious in education.

### **Background: an overview of the law on RE and SACREs**

Every school in England and Wales is legally required to teach 'Religious Education', with the law requiring that the syllabus *'reflects the fact that the religious traditions in Great Britain are in the main Christian while taking account of the teaching and practices of the other principal religions represented in Great Britain.'*<sup>1</sup> In addition the delivery of a school's curriculum must not discriminate on the basis of religion or belief.<sup>2</sup>

However, uniquely, RE is not on the national curriculum, with the syllabus instead being set at the local authority level by bodies called Agreed Syllabus Conferences (ASCs). ASCs are comprised at least every five years, and when an ASC is not convened, the local authority is advised on RE by a body called a Standing Advisory Council on Religious Education (SACRE). There are 151 SACREs in England and 22 in Wales.<sup>3</sup>

<sup>1</sup> Schedule 31, paragraph 10(2)(b) of the Education Act 1996:

<http://www.legislation.gov.uk/ukpga/1996/56/schedule/31>

<sup>2</sup> As per Equality Act 2010

<sup>3</sup> Education Act 1996, part V, chapter III – Religious education and worship:

<http://www.legislation.gov.uk/ukpga/1996/56/part/V/chapter/III>

SACREs and ASCs comprise of four groupings appointed by the local authority, which are specified as:

- (a) a group of persons to represent such Christian denominations and other religions and denominations of such religions as, in the opinion of the authority, will appropriately reflect the principal religious traditions in the area;*
- (b) except in the case of an area in Wales, a group of persons to represent the Church of England;*
- (c) a group of persons to represent such associations representing teachers as, in the opinion of the authority, ought to be represented, having regard to the circumstances of the area; and*
- (d) a group of persons to represent the authority.*

When SACREs and ASCs vote on matters, each of the four groups gets a single vote.

In addition, members of SACREs (but not ASCs) have the power to co-opt additional individuals to join in a non-voting capacity. Finally, as meetings are public, individuals may attend as observers – although then not allowed to speak without the chair of the meeting's permission.<sup>4</sup>

### **Background: Humanism in RE and humanists on SACREs: the present situation**

On the face of it, the law appears to preclude humanists from being full members of SACREs. And while RE syllabuses may include non-religious worldviews such as Humanism and have been doing so for many decades, this is not apparently required. However, the BHA would argue that if equality and human rights law is understood correctly, and given the high proportion of non-religious people amongst the population as a whole, humanists should be included as full members of SACREs, and non-religious worldviews such as Humanism must in fact be taught about in RE. Most people in the RE world support this point of view.

In particular, the Human Rights Act 1998, and case law that goes with it, mean that discrimination in law between religions and non-religious worldviews must, as much as possible, be removed, i.e. references in law to 'religion' should, as much as possible, be read as references to religious and non-religious worldviews together (and indeed, human rights and equalities legislation uses the phrase 'religion or belief' for this purpose). This understanding means that humanists should have a place on group A of SACREs and ASCs, and Humanism should be included in RE syllabuses to the same extent as principal religions are.

In practice, the place of Humanism in RE and of humanists on SACREs is very well established. All current UK Government documents make reference to teaching about Humanism, including the 2004 national framework for religious education, the 2007 key stages 3 and 4 programmes of study, the (abandoned) 2010 primary programme of learning and the 2010 non-statutory guidance. The 2013 RE subject framework, produced by the RE Council for England and Wales and endorsed by the Secretary of State for Education, makes extensive such references– putting teaching about worldviews such as Humanism on an equal footing to teaching about religions. And as part of its new drive to see schools promote British values, the Government says schools should 'Use teaching resources from a wide variety of sources to help pupils understand a range of faiths, and beliefs such as atheism and humanism'.<sup>5</sup>

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<sup>4</sup> The Religious Education (Meetings of Local Conferences and Councils) Regulations 1994: <http://www.legislation.gov.uk/uksi/1994/1304/made>

<sup>5</sup> Sparrow, Andrew, 'What does 'promoting British values' mean? The DfE's explanation', from 'Ofsted finds 'culture of fear and intimidation' in some schools', *The Guardian*, 9 June 2014:

The last major survey of the extent to which Humanism is included in locally agreed syllabuses was carried out in 2007. This found that 62 of 80 syllabuses include Humanism. The level of inclusion of Humanism in syllabuses today is much, much higher. The latest RE Subject Framework therefore represents no revolution, only an extension of a decades-long trend.

A more detailed discussion of why Humanism is included in Religious Education can be found as annex A of this document.

With respect to SACREs, things have been slightly slower to catch up, as until 2010, the Government's guidance on RE and SACREs was the 1994 document *Circular 1/94*, which pre-dated the Human Rights Act. This explicitly restricted the inclusion of humanists to co-opted membership. However, since this document was replaced by the 2010 *Religious education in English schools: Non-statutory guidance*, membership of humanists on SACREs has increased markedly – both as full members and in general. Nowadays humanists are involved in 136 of the 151 English SACREs, up from around 60 in 2010. There are 22 full members, up from just a couple in 2010. Almost all the rest are co-opted or in the process of joining, however there are five SACREs that have persisted for many years in refusing to even co-opt a humanist. One of these is Birmingham.

### **Background: Birmingham SACRE and agreed syllabus**

Birmingham SACRE was once the most progressive in the country, its 1975 agreed syllabus doing away with the then-common idea of Christian instruction, instead being multi-faith but also requiring study of worldviews such as Humanism. The philosopher Harry Stopes-Roe (who was a Vice President of the BHA and active President of Birmingham Humanists until his death in May 2014) was a full member of the ASC. The syllabus was so progressive that it led to a backlash, and *Circular 1/94* subsequently prohibited full humanist membership of ASCs and SACREs.

Today, while Birmingham's current syllabus includes nine different religions, it still does not include any study of non-religious worldviews, including Humanism. In fact the syllabus is sold to schools and other local authorities under the name 'Faith makes a difference', a title that implicitly denigrates those who are not religious.<sup>6</sup> The syllabus was drawn up in 2007 and has been re-approved by an ASC since.<sup>7</sup> Its summary says 'Religious Education confines itself to the contribution that faith and religious traditions alone may bring, i.e. Religious Education does not seek to represent secular humanism and atheism.'<sup>8 9</sup>

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<http://www.theguardian.com/politics/blog/2014/jun/09/ofsted-publishing-trojan-horse-plot-reports-and-michael-goves-statement-politics-live-blog#block-5395e28ce4b0a6aad6394ac8>

The DfE took this from its advice on Standard 5(1)(a)(vi) of the Independent School Standards (which says that 'encourage pupils to respect the fundamental British values of democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs'). *Improving the spiritual, moral, social and cultural (SMSC) development of pupils Departmental advice for independent schools, academies and free schools*, Department for Education, November 2013:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/268826/dept\\_advice\\_template\\_smscadvicenov13.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/268826/dept_advice_template_smscadvicenov13.pdf)

<sup>6</sup> <http://www.faithmakesadifference.co.uk/>

<sup>7</sup> *The Birmingham Agreed Syllabus for Religious Education 2007*:

[http://servicesforeducation.co.uk/files/Learning%20&%20Assessment/Subject%20Support/RE/Birmingham\\_Agreed\\_Syllabus\\_for\\_Religious\\_Education\\_2007.pdf](http://servicesforeducation.co.uk/files/Learning%20&%20Assessment/Subject%20Support/RE/Birmingham_Agreed_Syllabus_for_Religious_Education_2007.pdf)

<sup>8</sup> The addition of 'secular' before 'humanism' is something that first began in the US in the 1960s. In the UK 'secular humanism' is an unusual term, most commonly used by those who are hostile to humanists and Humanism.

From 2004 until May 2012, the Chair of Birmingham SACRE was Guy Hordern, a long-time trustee of the Conservative Christian Fellowship. Mr Hordern sits on group D and has an MBE for services to community relations in Birmingham. The deputy chair and drafting secretary of the ASC was Dr Marius Felderhof, an Honorary Senior Research Fellow in the Department of Theology and Religion at the University of Birmingham, and a member of group A of the SACRE (representing the United Reformed Church). The Councillor responsible for education was Conservative Les Lawrence.

However, in the May 2012 local elections, Labour regained control of the Council and Lawrence lost his seat. As Hordern was appointed chair of the SACRE for party-political reasons, Labour also decided to appoint a SACRE chair for similar reasons, and so since then Barry Henley has been the Chair.<sup>10</sup>

### **What we found – summary**

In late 2011, we became aware that Birmingham Council had in 2009 obtained legal advice on behalf of the SACRE on whether or not a humanist could be a full member of group A. We submitted a freedom of information (FOI) request to obtain this advice, and were alarmed to discover that it also covered whether or not the 2010 non-statutory guidance – which, at the time, was under consultation – could include any references to teaching about non-religious worldviews such as Humanism. The advice was obtained from James Dingemans QC, the barrister who represented the Christian Institute in cases such as that of Lillian Ladele and that of Peter and Hazelmary Bull.

Documents suggesting lobbying of the Department for Education on this matter were also released, including one demonstrating that judicial review was seemingly threatened, and a version of the draft 2010 guidance where Felderhof had tracked changes in order to remove every reference to Humanism or secular philosophies, as well as references to the Religious Education Council being a source of authority in RE. A subsequent FOI request to the DfE uncovered almost 200 pages of lobbying by Hordern, Felderhof, Lawrence, and the ‘Birmingham Faith Leaders Group’, led by Church of England Bishop of Birmingham David Urquhart, against the inclusion of Humanism in RE.

These efforts appear to have had some crucial influence. In particular, while the draft guidance put out for consultation recommended humanists be admitted to SACREs, with an example saying ‘It was decided that in the interests of effectiveness the membership should be expanded to include young people as well as a Bahá’í and a Humanist representative and somebody from a nearby university.’ the tracked changes document simply crossed out ‘and a Humanist’. This document was certainly given to the DfE and judicial review was seemingly threatened, and the final guidance, while not prohibiting full membership, only recommends co-option: ‘It was decided that in the interests of inclusion the membership should be expanded to include a Bahá’í representative and through co-option to include young people as well as a Humanist representative and somebody from a nearby university.’

We are now publishing extracts from these documents for the first time in order to demonstrate the extent of these efforts, and the single-mindedness with which this issue has been pursued – to an extent, we would suggest, that far outweighs any reasonable interest in a point of law or the unbiased education of the city’s children and instead passes into an active campaign of discrimination against the non-religious.

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<sup>9</sup> ‘Summary of the 2007 Birmingham Religious Education Syllabus’. See also <http://faithmakesadifference.co.uk/book/export/html/640>

<sup>10</sup> As recounted to us by Barry Henley.

We set out in detail what we found in annex B of this document.

## **Conclusion**

We are deeply concerned by the pattern of extreme lobbying that four individuals from Birmingham have engaged with in recent years, at a national as well as a local level, in an attempt to exclude the study of non-religious worldviews from RE, and to stop humanist participation in the local SACRE. These efforts included editing the draft 2010 guidance to remove all references to the inclusion of Humanism (and the importance of the RE Council), and seemingly threatening judicial review if a reference to a humanist being a full member of a SACRE was not removed from the draft. That reference was subsequently removed.

As stated at the outset, it appears to us that the single-minded determinedness with which this issue has been pursued – to an extent, we would suggest, that far outweighs any reasonable interest in a point of law and instead passes into an active campaign of discrimination against the non-religious.

## **About the BHA**

The British Humanist Association is the national charity working on behalf of non-religious people who seek to live ethical and fulfilling lives on the basis of reason and humanity. We promote Humanism, support and represent the non-religious, and promote a secular state and equal treatment in law and policy of everyone, regardless of religion or belief. Founded in 1896, we have around 30,000 members and supporters, and over 70 local and special interest affiliates.

The BHA has a long history of work in education, children's rights and equality, with expertise in the 'religion or belief' strand, which includes non-religious beliefs such as Humanism, and how that strand relates to and intersects with other protected characteristics. We also work closely with others on wider equalities issues in a range of forums. In particular, the BHA has been actively involved in supporting education about religions and non-religious beliefs in our classrooms for over sixty years. The BHA has been a member of the Religious Education Council for England and Wales since its foundation in 1973, and was involved in the development of the 2004 English non-statutory national framework, 2007 programmes of study and learning, attainment targets and level descriptions, the 2010 non-statutory guidance and the 2013 subject framework.

We also provide materials and advice to parents, governors, students, teachers and academics, for example through <http://www.humanismforschools.org.uk/> and our school volunteers programme. We have made detailed responses to all recent reviews of the school curriculum, and submit memoranda of evidence to parliamentary select committees on a range of education issues.

The BHA dedicates significant resources to producing classroom materials to support RE and to training RE PGCE students at a number of initial teacher training (ITT) providers. The BHA was a donor to the Celebrating RE month in March 2011, and Chief Executive Andrew Copson is a serving director and trustee of the Religious Education Council of England and Wales.

BHA members locally are involved in about four-fifths of the SACREs in England and Wales, either as full members, co-opted members or observers. The BHA oversees and maintains the network of humanist representatives on SACREs.

For more details, information and evidence, contact the British Humanist Association:

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June 2014

## Annex A: Why Humanism is included in Religious Education (RE)

Humanism has been studied in RE for about fifty years. In its report *RE, Attainment and National Curriculum* (1991), the Religious Education Council set out the standard case for inclusion:

- *RE should be open to all pupils regardless of their beliefs.*
- *If RE is 'open' it is necessary for pupils to learn that there are many who do not believe or practise a theistic or religious world-view. Indeed if pupils did not learn this, it could be said they were victims of indoctrination.*
- *Humanism and other non-theistic beliefs have their own views about religion and these ought to be part of a pupil's RE.*
- *Humanist thinking has influenced the RE and PSE curriculum, particularly in the exploration of the term 'spiritual'.*
- *Many pupils come from non-religious backgrounds and probably share some of the views humanists express.*
- *The RE Council has benefited since its foundation from the active membership of the BHA in its ranks.*

A 2013 survey found that more people consider RE to have been the 'least beneficial subject' than any other.<sup>11</sup> **It is vital that RE stays relevant to our population if it is to maintain its place within the curriculum.** Pupils in all types of school should have the opportunity to consider philosophical and fundamental questions, and in an open society we should learn about each other's beliefs. There should be a subject on the curriculum which helps young people to form and explore their own beliefs and develop an understanding of the beliefs and values different from their own; enriches pupils' knowledge of the religious and humanist heritage of humanity and so supports other subjects such as History, English Literature, Art, Music, and Geography; and allows pupils to engage with serious ethical and philosophical questions in a way that develops important skills of critical thinking, reasoning and inquiry.

All the usual **contemporary justifications for the subject of Religious Education in the school curriculum** – its contribution to social cohesion and mutual understanding, its presentation of a range of answers to questions of meaning and purpose, its role in educating about the history and present culture of humanity, and its role in the search for personal identity and values – can only be served by including humanist perspectives and non-religious students.

Surveys consistently show that a **high proportion of young people are not religious**; for example, the 2011 Census found 31% of 0-19 year olds having no religion, with a further 8% not stated; the 2003 *Citizenship Survey* found 46% of 11-15 year olds not having a religion (44% were Christian);<sup>12</sup> while a 2004 Department for Education report found 65% of 12-19 year olds are not religious;<sup>13</sup> and the 2010 *British Social Attitudes Survey* records 65% of 18-24 year olds as not belonging to any

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<sup>11</sup> <http://news.opinium.co.uk/sites/news.opinium.co.uk/files/OP3507%20-%20Opinium%20PR%20-%20Education%20-%20SET%20FOUR%20-%20Tables.pdf>

<sup>12</sup> Christine Farmer, '2003 Home Office Citizenship Survey: Top-level findings from the Children's and Young People's Survey' (Home Office and Department for Education and Skills, 2005), p. 37: <http://www.communities.gov.uk/documents/communities/pdf/452490.pdf>

<sup>13</sup> Alison Park, Miranda Phillips and Mark Johnson, 'Young People in Britain: The Attitudes and Experiences of 12 to 19 Year Olds' (Department for Education and Skills, 2004), pp. 10-11: <https://www.education.gov.uk/publications/eOrderingDownload/RR564.pdf.pdf>

religion.<sup>14</sup> For RE to remain relevant as a subject, it is vital that it is as relevant to these young people as it is to their religious peers.

Finally, the inclusion of non-religious worldviews in the curriculum alongside religious beliefs reflects consistent recommendations in **international agreements** such as the ODIHR-OSCE's *Toledo Guiding Principles on teaching about religions and beliefs in public schools* (2007),<sup>15</sup> the *Final Document of the International Consultative Conference on School Education in Relation to Freedom of Religion or Belief, Tolerance and Non-Discrimination* (2001),<sup>16</sup> and the Council of Europe's *Recommendation of the Committee of Ministers to member states on the dimension of religions and non-religious convictions within intercultural education* (2008).<sup>17</sup> Such inclusion was specifically recommended in the UN Special Rapporteur on Freedom of Religion or Belief's 2008 report on the UK.<sup>18</sup>

## Humanists' work in RE

The BHA is a founding member of the RE Council for England and Wales (REC), and for many years there has been a humanist on the Board of the REC. The BHA is also strongly supportive of the role schools play in furthering pupils' spiritual, moral, social and cultural development. The BHA helped to develop Ofsted's 2004 guidance on this matter, and endorses the definition of spiritual development that they use. The BHA has been part of most government and quango initiatives on RE in the last couple of decades.

Many SACREs have had humanist representatives for many decades, including as Chairs and Vice-Chairs of both SACREs and ASCs. Recent years have seen a large rise in the number of humanists who are on SACREs: almost six out of seven English SACREs now have a humanist or are in the process of admitting one. The contribution of humanists to RE is enormous.

## Successive government views on Humanism in RE

In 1994 the then (Conservative) Secretary of State for Education wrote to the BHA: 'Let me assure you that we fully appreciate the role which the BHA in particular has played in the development of RE in this country,' and '...it is perfectly possible for RE to include teaching about non-theistic ways of life, such as humanism, and the moral values associated with them.' This inclusion of Humanism can be seen in all more recent national Government publications on RE. For example:

- The 2004 National Framework says 'To ensure that all pupils' voices are heard and the religious education curriculum is broad and balanced, it is recommended that there are opportunities for all pupils to study... secular philosophies such as humanism.' And during key stages 1-3, it is recommended that pupils study 'a secular world view, where appropriate'.<sup>19</sup>

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<sup>14</sup> 28th British Social Attitudes Survey – see page 195: [http://ir2.flife.de/data/natcen-social-research/igb\\_html/index.php?bericht\\_id=1000001&index=&lang=ENG](http://ir2.flife.de/data/natcen-social-research/igb_html/index.php?bericht_id=1000001&index=&lang=ENG)

<sup>15</sup> <http://www.osce.org/odihr/29154>

<sup>16</sup> [http://www.hurights.or.jp/archives/human\\_rights\\_education\\_in\\_asian\\_schools/section2/2002/03/final-document-of-the-international-consultative-conference-on-school-education-in-relation-to-freed.html](http://www.hurights.or.jp/archives/human_rights_education_in_asian_schools/section2/2002/03/final-document-of-the-international-consultative-conference-on-school-education-in-relation-to-freed.html)

<sup>17</sup> <https://wcd.coe.int/ViewDoc.jsp?id=1386911&Site=CM>

<sup>18</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/105/17/PDF/G0810517.pdf?OpenElement>

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[http://webarchive.nationalarchives.gov.uk/20090903160937/http://qca.org.uk/libraryAssets/media/9817\\_re\\_national\\_framework\\_04.pdf](http://webarchive.nationalarchives.gov.uk/20090903160937/http://qca.org.uk/libraryAssets/media/9817_re_national_framework_04.pdf)



- The 2007 key stage 3 programme of study makes the same recommendation, defining a secular world view as ‘secular philosophies such as Humanism.’<sup>20</sup> The key stage 4 programme of study says that pupils should have ‘opportunities to study a range of philosophical and ethical issues that are of relevance to young people’s experience or aspirations and that make reference to some religious and philosophical traditions.’ ‘Religious and philosophical traditions’ is defined as including ‘Buddhism, Christianity, Hinduism, Islam, Judaism, Sikhism, the Baha’i faith, Jainism, Zoroastrianism and secular philosophies such as Humanism.’<sup>21</sup>
- The (abandoned) 2010 primary programme of learning states ‘To ensure that all children’s voices are heard, it is recommended that there are opportunities to study other religious traditions such as the Baha’i faith, Jainism, and Zoroastrianism, and secular world views, such as humanism’, adding, ‘Over the primary phase as a whole, children should draw on both religious and non-religious world views.’<sup>22</sup>
- The 2010 non-statutory guidance includes several references to Humanism.<sup>23</sup> In addition, in all these documents, RE is defined as important because ‘It develops children’s knowledge and understanding of religions and beliefs, including Christianity, other principal religions, other religious traditions and other world views’ (or something equivalent). The 2010 primary programme of learning adds that ‘The phrase ‘religions and beliefs’ should be taken to include religious and secular world views, and their associated practices.’
- The 2013 religious education curriculum framework, produced by the Religious Education Council for England and Wales and endorsed by the Government, contains 100 references to teaching about non-religious worldviews – putting Humanism on an equal footing with teaching about religions. The document says that ‘The phrase ‘religions and worldviews’ is used in this document to refer to Christianity, other principal religions represented in Britain, smaller religious communities and non-religious worldviews such as Humanism. The phrase is meant to be inclusive’. It also says ‘The curriculum for RE aims to ensure that all pupils: A. Know about and understand a range of religions and worldviews; B. Express ideas and insights about the nature, significance and impact of religions and worldviews; C. Gain and deploy the skills needed to engage seriously with religions and worldviews’.<sup>24</sup>
- The 2013 Independent School Standards require that independent schools, Academies and Free Schools ‘encourage pupils to respect the fundamental British values of democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs.’ Departmental advice recommends that schools meet this standard by using ‘teaching resources from a wide variety of sources to help pupils understand a range of faiths, and beliefs such as atheism and humanism.’<sup>25</sup> The Department is currently proposing to require *all* schools

<sup>20</sup> [http://webarchive.nationalarchives.gov.uk/20110813032310/http://curriculum.qcda.gov.uk/uploads/QCA-07-3350-p\\_RE\\_KS3\\_tcm8-411.pdf](http://webarchive.nationalarchives.gov.uk/20110813032310/http://curriculum.qcda.gov.uk/uploads/QCA-07-3350-p_RE_KS3_tcm8-411.pdf)

<sup>21</sup> [http://webarchive.nationalarchives.gov.uk/20110813032310/http://curriculum.qcda.gov.uk/uploads/QCA-07-3351-p\\_RE\\_KS4\\_tcm8-412.pdf](http://webarchive.nationalarchives.gov.uk/20110813032310/http://curriculum.qcda.gov.uk/uploads/QCA-07-3351-p_RE_KS4_tcm8-412.pdf)

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[http://webarchive.nationalarchives.gov.uk/20100202100434/http://qcda.gov.uk/libraryAssets/media/095654\\_QCA\\_PCR\\_Rel\\_Educ\\_SS5.pdf](http://webarchive.nationalarchives.gov.uk/20100202100434/http://qcda.gov.uk/libraryAssets/media/095654_QCA_PCR_Rel_Educ_SS5.pdf)

<sup>23</sup> <http://education.gov.uk/schools/teachingandlearning/curriculum/subjects/a0064886/religious-education-in-english-schools-non-statutory-guidance-2010>

<sup>24</sup> <http://resubjectreview.reconcil.org.uk/re-review-report>

<sup>25</sup> *Improving the*

*spiritual, moral, social and cultural (SMSC) development of pupils Departmental advice for independent schools, academies and free schools, Department for Education, November 2013:*

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/268826/dept\\_advice\\_template\\_smscadvicenov13.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/268826/dept_advice_template_smscadvicenov13.pdf)

to promote British values and has briefed journalists that this means meeting the same recommendation.<sup>26</sup>

The last major survey of the extent to which Humanism is included in locally agreed syllabuses was carried out in 2007. This found that 62 of 80 syllabuses include Humanism.<sup>27</sup> The level of inclusion of Humanism in syllabuses today is higher. The latest RE Subject Framework therefore represents no revolution, only an extension of a decades-long trend.

### **Postscript on 'worldviews'**

As long ago as in its 1989 Handbook for SACREs, ASCs and Schools, the REC stated that one generally accepted aim of RE would be, 'To encourage knowledge and understanding of religions and similar world views.' Even then this usage was no novelty and there has been a general acceptance among RE teachers and specialists for over fifty years that an RE that does not pay some attention to non-religious worldviews is incomplete. The RE Subject Framework uses the word 'worldviews' because all the alternative terms: 'beliefs', 'non-religious beliefs' or 'secular philosophies' are ambiguous and easily misunderstood. The Framework has a footnote explaining that 'The phrase 'religions and worldviews' is used to refer to Christianity, other principal religions represented in Britain, smaller religious communities and non-religious worldviews such as Humanism. The phrase is meant to be inclusive.' This very clearly delimits what is meant by the phrase.

It was used in the Secretary of State in his forward to the Framework: 'All children need to acquire core knowledge and understanding of the beliefs and practices of the religions and worldviews which not only shape their history and culture but which guide their own development... This RE curriculum framework... has the endorsement of a very wide range of professional organisations and bodies representing faiths and other worldviews. I hope the document will be useful to all those seeking to provide RE of the highest quality for young people in our schools.'

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<sup>26</sup> Sparrow, Andrew, 'What does 'promoting British values' mean? The DfE's explanation', from 'Ofsted finds 'culture of fear and intimidation' in some schools', *The Guardian*, 9 June 2014:

<http://www.theguardian.com/politics/blog/2014/jun/09/ofsted-publishing-trojan-horse-plot-reports-and-michael-goves-statement-politics-live-blog#block-5395e28ce4b0a6aad6394ac8>

<sup>27</sup> Dr Jacqueline Watson, 'Humanism in Agreed Syllabuses for Religious Education: A Report to the British Humanist Association', University of East Anglia, 2007: <http://humanism.org.uk/wp-content/uploads/Watson-Syllabus-Report.pdf>

## Annex B: What we found – in detail

In this section we will systematically catalogue the activities of Guy Hordern, Marius Felderhof and related parties from 2008 until our FOI requests at the end of 2011. We will then discuss subsequent events.

### Consultation on non-statutory guidance and humanist membership application

In 2008 the then-Department for Children, Schools and Families (DCSF) and Qualifications and Curriculum Development Agency (QCDA)<sup>28</sup> began drawing up what became *Religious education in English schools: Non-statutory guidance 2010*,<sup>29</sup> in order to replace the portions of the previous guidance known as *Circular 1/94* that covered RE and SACREs but had become seriously dated.<sup>30</sup> A document was eventually put out to consultation from 30 April to 29 July 2009,<sup>31</sup> with the final version published on 29 January 2010.

The document complemented the 2004 *Religious education non-statutory national framework*,<sup>32</sup> which provides a framework ASCs can use when drawing up their locally agreed syllabuses. The framework states that ‘To ensure that all pupils’ voices are heard and the religious education curriculum is broad and balanced, it is recommended that there are opportunities for all pupils to study... secular philosophies such as humanism.’ The 2004 framework was replaced in October 2013 by a new subject framework drawn up by the Religious Education Council and endorsed by the Government.<sup>33</sup> This document is as inclusive of teaching about non-religious worldviews as it is of teaching about religions. Hordern and Felderhof object to these documents on the grounds that they undermine ASCs’ legal autonomy to set their own syllabus – with the principle difference from what they would want being over the inclusion of Humanism.

In November 2008, Guy Hordern wrote to the DCSF asking who had been consulted about the non-statutory guidance, which at that time was being drafted by a review group. The DCSF replied that this consultation had not yet taken place.<sup>34</sup> Hordern replied to complain about the plans for the guidance and objecting to the fact that the framework seeks to set out ‘national standards for teaching and learning in RE’ when legally standards are determined locally, not nationally. In particular, ‘Birmingham’s recent Agreed Syllabus Conference considered the advice in the QCA’s Framework and departed from it in important respects. This was done, in part, because the Framework’s advice was taken to be at odds with the requirements of the law (e.g. with respect to the role of secular philosophies)’. We are unaware of anyone other than those involved with Birmingham SACRE who take this view. The letter goes on, ‘It is our perception that in the formation of the QCA’s Framework and in drafting the revision of the Circular... the role of Local Government is

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<sup>28</sup> At the time the QCDA had just been renamed from Qualifications and Curriculum Agency (QCA). The QCDA was shut down in March 2012.

<sup>29</sup> <http://media.education.gov.uk/assets/files/religious%20education%20guidance%20in%20schools.pdf>

<sup>30</sup> <http://media.education.gov.uk/assets/files/pdf/r/non%20statutory%20guidance%20on%20collective%20worship.pdf>

<sup>31</sup> The consultation draft can be seen at [http://webarchive.nationalarchives.gov.uk/20100202100434/http://qcda.gov.uk/libraryAssets/media/8222-DCSF-Religious\\_Ed\\_in\\_Eng-consultation-FINAL.pdf](http://webarchive.nationalarchives.gov.uk/20100202100434/http://qcda.gov.uk/libraryAssets/media/8222-DCSF-Religious_Ed_in_Eng-consultation-FINAL.pdf)

<sup>32</sup> [http://webarchive.nationalarchives.gov.uk/20090903160937/http://qca.org.uk/libraryAssets/media/9817\\_re\\_national\\_framework\\_04.pdf](http://webarchive.nationalarchives.gov.uk/20090903160937/http://qca.org.uk/libraryAssets/media/9817_re_national_framework_04.pdf)

<sup>33</sup> <http://resubjectreview.recouncil.org.uk/re-review-report>

<sup>34</sup> Birmingham Council tranche of documents, ‘01 Julie Bramman 8-dec-08’ – 8 December 2008

substantively ignored and the Church of England is treated improperly as if it is one religious body amongst others instead of as the established Church.<sup>35</sup>

In December, Les Lawrence wrote to Jim Knight, then Minister of State for Schools and Learners, praising the Birmingham syllabus, promoting SACREs' autonomy, disparaging the national framework, and warning of opposition to potential inclusion of Humanism: 'I also understand that the Review Group [of the guidance] are considering endorsing the teaching of Secular Humanism as part of RE (this is included in the published version of the Framework (page 12). Birmingham has a long history of rejecting humanism as a subject to be taught in its own right as part of the RE syllabus and our attitude has not changed. If the recommendation to teach Humanism as a worldview alongside religious traditions appears in the draft circular I am sure that we will strongly oppose it being included in any syllabus taught in Birmingham schools.'<sup>36</sup>

Sarah McCarthy-Fry, Parliamentary Under-Secretary of State, replied saying that 'it is not within the remit of the steering group to endorse the teaching of a particular faith or belief. The reference to Humanism in the National Framework is given as an example to illustrate how the legal requirement for the balance of content in agreed syllabuses can be met in the context of a broad, balanced and rich RE curriculum.'<sup>37</sup> Lawrence replied stating that 'On the matter of secular philosophies, such as secular humanism within RE, I am pleased to learn that there is no remit 'to endorse' them. An important distinction must be made between secular philosophies introduced to critique religious life in order to understand it better, and secular philosophies taught in their own right as part of a religious education syllabus. There may be inherent tension if such philosophies are treated in their own right within RE which could be misleading for parents. It would be more appropriate if secular philosophies are to be taught in their own right in school, it should be within Personal, Social, Moral and Health Education.'<sup>38</sup>

However, we are not aware of any syllabus in Personal, Social, Health and Economic (PSHE) education – as the subject is typically known – that includes the teaching of Humanism. PSHE is defined as being 'a planned programme of learning through which children and young people acquire the knowledge, understanding and skills they need to manage their lives, now and in the future', covering topics such as sex and relationships education, health and wellbeing, economic wellbeing and responsible citizenship.<sup>39</sup> This contrasts with Religious Education, which is defined as being about 'provoking challenging questions about meaning and purpose in life, beliefs about God, ultimate reality, issues of right and wrong and what it means to be human.' Pupils 'learn about and from religions and worldviews in local, national and global contexts, to discover, explore and consider different answers to these questions. They learn to weigh up the value of wisdom from different sources, to develop and express their insights in response, and to agree or disagree respectfully.'<sup>40</sup> This seemingly makes clear that RE is the appropriate place to learn about non-religious worldviews.

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<sup>35</sup> Birmingham Council tranche of documents, '02 minutes of DCSF meeting - agreed 1 (1)'

<sup>36</sup> DfE tranche of documents, pp 14-16, 19 December 2008

<sup>37</sup> DfE tranche of documents, pp 17-18, 22 January 2009

<sup>38</sup> DfE tranche of documents, pp 19-22, 27 February 2009

<sup>39</sup> As defined by the PSHE Association: <http://www.pshe-association.org.uk/content.aspx?CategoryID=1043>. See also <http://www.pshe-association.org.uk/uploads/media/27/7851.pdf>

<sup>40</sup> As defined by the new RE Subject Framework, endorsed by the Government: <http://resubjectreview.recouncil.org.uk/re-review-report>

Meanwhile, Birmingham Humanists' would-be SACRE representative, John Edwards, coincidentally wrote to the SACRE to ask if a humanist representative could be admitted.<sup>41</sup> As a consequence of this, and after discussions with Hordern and Felderhof, on 18 March Alison Underwood, a solicitor at Birmingham City Council, wrote to Lawrence proposing that legal advice be sought on both humanist membership and on whether Humanism could be taught about in RE. Underwood was concerned about the possibility of a legal challenge, and concludes:

'The concerns of those members of SACRE who have brought this to my attention are that to allow such representation on SACRE would be to allow a secular philosophy on the Council which has as its primary duty the task to advise on *religious* education and currently there is no remit for a secular philosophy on SACRE... A refusal may result in a challenge to the local authority's decision and should be carefully reasoned. It is this reasoning that causes me the most concern. The legal issues associated with this request are not straight forward, particularly in the area of human rights law, and you will be aware that whether Birmingham agrees to the request or not may be the source of great interest both locally and nationally. I would ask that you consider the proposal that I seek counsel's advice on how to proceed. This would serve the dual purpose of being a source of advice on the related issue of the proposed revision of circular 1/94. There is an associated cost with the proposal to seek counsel's advice. I am currently seeking estimates on this but I would expect that it is going to cost between £3000-£4000 for a written opinion.'<sup>42</sup>

At some point before 6 April, Hordern, Felderhof and Lawrence saw a copy of the draft guidance, even though it was not put out to consultation until the 30th. Lawrence wrote to Sarah McCarthy-Fry to disparage the document for supporting the non-statutory national framework (including the fact that the BHA was consulted in its drafting), and in referring to religion and belief:

'the document is most at fault in introducing phrases and expressions that are at best obscure and at worst deliberately misleading... 'Belief' could refer to nearly anything, from 'The moon is made of green cheese.' To scientific beliefs about the functioning of certain genomes... the more sophisticated reader will recognise that [references to belief are] a covert reference to secular philosophies as if these might be studied in their own right as part of religious education. Many will regard this as an unwarranted interpretation of the law. If secular philosophies must be studied in school, they are much better and more honestly studied under the rubric of 'personal social and moral education' or 'citizenship education'... There was no negotiation between teaching professionals, the Church of England, other religious bodies and the local authorities as to the content [of the national framework]. Moreover, a body which was included among those consulted were the British Humanist Association which is strictly proscribed from participating in Agreed Syllabus Conferences.'

<sup>43</sup>

This statement is at best a complete misunderstanding of law and practice in the area, and dismisses the thorough consultation process by which the Government produced the national framework (which was, after all, endorsed on page 2 by all major religion and belief groups).

### **Legal advice and humanist membership rejection**

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<sup>41</sup> Birmingham Humanists tranche of documents, 'JE 01 FIRST Letterheaded letter to SACRE', 9 December 2008

<sup>42</sup> Birmingham Council tranche of documents, '04 PSABM78483LET078 01 09 AUv2', 18 March 2009

<sup>43</sup> By way of reply Lawrence's letter was dismissed as being in response to 'an early draft of the guidance which was not designed as for wider circulation'. DfE tranche of documents, pp 24-29, 6 April 2009

Later in April Birmingham's director of legal services briefed James Dingemans QC on the advice he was to provide – on both humanist membership of the SACRE and the 2010 non-statutory guidance, making it pretty clear what advice they expected. By now the parties were extremely unhappy with the guidance. 'In particular, members are concerned about the status of some of the advice contained within the guidance relating to secularism. The view of the Chairman of the Birmingham SACRE [Hordern] is that it is not in the interests of RE generally for this guidance to be adopted and that reference to the QCA national framework diverts attention away from the statutory right for local authorities to set a locally agreed syllabus. In addition, whilst there is an expectation from the DCSF that schools should adopt a broad and balanced curriculum, there is a concern that it is being promoted through the RE curriculum and that it is not appropriate for secular philosophies to be taught as part of the RE curriculum.'<sup>44</sup>

On 30 April the consultation was launched, and on 8 May Dingemans met Hordern, Felderhof and Underwood, with Underwood producing a briefing of the meeting for Lawrence.<sup>45</sup>

Summarising the document's comments on humanist membership of SACREs:

- First of all Dingemans defines religious education as being education about religion, and not also education about beliefs such as Humanism. To support this he refers to two cases from the 1980s that show that Humanism is not a religion (one case involving South Place Ethical Society applying to be a charity under advancement of religion – nowadays, as a result of the advances in human rights law, the BHA does have charitable objects under the advancement of Humanism directly; the other case from Australia). He concludes that 'Therefore humanism is not within the terms of religious education.'
- Dingemans then considers the Human Rights Act, and without any commentary decides that this does not change the above conclusion – it is far from clear why. The document does say 'Note also section 13 of the Human Rights Act<sup>46</sup> which pretty [sic] meaningless (see Williamson), but certainly prevents this sort of woolly (mis)reading of the HRA'. Section 13 says 'If a court's determination of any question arising under this Act might affect the exercise by a religious organisation (itself or its members collectively) of the Convention right to freedom of thought, conscience and religion, it must have particular regard to the importance of that right.' It's not clear why this section matters, unless the suggestion is that Group A of the SACRE is a religious organisation.<sup>47</sup>
- The Equality Act 2006 is then considered. Section 49<sup>48</sup> deals with educational establishments and religion and belief, but section 50(2)<sup>49</sup> specifies that section 49 'shall not apply in relation to anything done in connection with — (a) the content of the curriculum, or (b) acts of worship or other religious observance organised by or on behalf of an educational establishment (whether or not forming part of the curriculum).' Dingemans inexplicably concludes that this exemption extends to membership of the SACRE.<sup>50</sup>

<sup>44</sup> Birmingham Council tranche of documents, '05 PSABM78483DOC112 01 09 AU brief', 22 April 2009

<sup>45</sup> Birmingham Council tranche of documents, '06 sacre not8 5 09', 8 May 2009

<sup>46</sup> <http://www.legislation.gov.uk/ukpga/1998/42/section/13>

<sup>47</sup> The BHA's own legal advice focuses on sections 3, 6 and articles 9 and 14. Briefly, section 3 requires that legislation written before the Act was adopted should be interpreted to meet its requirements (in other words, prior references in law to 'religion' should be read as 'religion and belief', much as they are in the European Convention). Section 6 requires public authorities to act in compliance with the Convention. Article 9 provides for freedom of religion and belief, while article 14 precludes discrimination.

<sup>48</sup> <http://www.legislation.gov.uk/ukpga/2006/3/section/49>. Note that the Equality Act 2006 has now been repealed and replaced by the Equality Act 2010, but this contains identical provisions.

<sup>49</sup> <http://www.legislation.gov.uk/ukpga/2006/3/section/50>

<sup>50</sup> The BHA's own legal advice focuses on sections 29 and 144 of the Equality Act 2010, which preclude discrimination by public authorities, including on grounds of religion or belief.

- The Employment Equality (Religion or Belief) Regulations 2003 are then considered. As SACRE members are not paid, it is concluded that they do not get employee protection under these regulations. The BHA would agree with this.
- The final portion strongly implies that while a humanist could legally be co-opted, Birmingham Council doesn't want to see even this happen. The counsel 'felt that the local authority could probably not prevent SACRE from co-opting a humanist member and looking at the membership of groups C and D, the local authority could not say that members of these groups could not be humanists as this may in itself be discriminatory. He felt that a better argument may be to point to the existing representation within groups C and D.'

As for the 2010 non-statutory guidance:

- The last two pages of the legal advice go through everywhere the guidance references teaching Humanism, non-religious beliefs or secular philosophies, makes it clear that Dingemans believes the guidance contradicts statutory powers (the argument being along the lines that RE is just about teaching religion, SACREs set RE syllabi, therefore DCSF can't tell SACREs to teach Humanism) before concluding that the counsel 'advised that there were 3 steps [to challenging the guidance]; 1. to make representations on the guidance 2. to consider the possibility of challenge or review if it becomes guidance (taking into account the appropriate use of local authority funds) 3. to consider the political aspects of the issues and lobby accordingly'.

In other words, a possibility discussed was to judicially review (or threaten to judicially review) the guidance. Indeed, this three-step plan appears to be what Hordern, Felderhof and Lawrence subsequently pursued.

After the advice was obtained, Hordern wrote to Birmingham Humanists rejecting their membership application on legal grounds. The draft, which was prepared by Birmingham's lawyers, said that 'For the avoidance of doubt, it is wrong to suggest that there are no humanists on Birmingham SACRE. It is my understanding that there are humanists within the membership of groups C and D.'<sup>51</sup> However the final version, sent by Hordern, removed this – presumably as he was not certain that it was true.<sup>52</sup>

What is revealed by these documents is a deliberate attempt to prevent humanist involvement.

### **Meeting the DfE and threat of judicial review**

On 12 May, Hordern, Felderhof and Lawrence met with civil servants from DCSF.<sup>53</sup> Issues raised included SACREs' autonomy, the place of Humanism and the document's endorsement of the Religious Education Council for England and Wales. The Birmingham representatives complained that they weren't able to get their issues dealt with before the draft guidance went out to consultation, but were told they should respond just like everyone else. They also argued strongly that a number of points allegedly contradicted the law.

One part of the draft guidance says 'All major faith communities and professional RE associations are members of the Religious Education Council of England and Wales (REC). This body acts as an 'umbrella' group to represent the diverse groups and interests of the subject, and works in partnership with the Department for Children, Schools and Families (DCSF).' The Birmingham

<sup>51</sup> Birmingham Council tranche of documents, '07. PSABM78483LET162 01 09 AU', 11 June 2009

<sup>52</sup> Birmingham Humanists tranche of documents, 'JE 04a Hordern letter of 15 June', 15 June 2009

<sup>53</sup> Birmingham's minutes of which are Birmingham Council tranche of documents, '09 minutes of DCSF meeting - agreed 1', 27 May 2009

representatives complained that 'the statement about the REC is incorrect. The REC is not representative of all who have an interest in RE. The DCSF has a responsibility to work directly with other statutory bodies such as SACREs.' The REC is, in fact, the de facto national body for RE, and has been very supportive of the inclusion of the non-religious and non-religious beliefs. It includes a wide range of religious and professional bodies, including all major churches.

The Birmingham representatives then complained that the Government stated the new guidance was being issued in part because the Human Rights and Equality Acts had led to a change in the law. The Birmingham trio threatened a potential judicial review, with the Government apparently being timid in their response over Humanism:

'BCC's [Birmingham City Council's] legal advice received on May 8th, 2009 confirmed this view. A particular case in point was the inclusion of secular philosophies in the Non-Statutory National Framework (NSNF, p. 12) in the extensive list of content to be included in RE. In 1974-5 legal advice received by BCC indicated that there was a distinction between secular philosophies included in RE as 'critiques of religion' and secular philosophies 'studied in their own right'. The advice clearly stated that critiques were possible under law, but to study secular philosophies in their own right in RE was not possible. This was re-affirmed to BCC on 8-05-09. The department officials indicated that Humanists had also taken legal advice and had come to contrary views and that only the courts could decide. BCC maintained that the guidance would be more consistent with the law if the word 'religious' was inserted before every use of the word 'belief'. The officials indicated there was certainly no intention on the part of the Department to test the legal advice offered to various parties on whether Humanism is a religion in the courts. BCC said that on this point and on the matter of the overall impression given by the guidance, the draft could be seen as misguidance and as such vulnerable to a potential judicial review.'

'Cllr Lawrence reported on his consultations with other authorities through the Local Government Association and related that different practices had indeed arisen regarding the representation of Humanists on SACREs but that all the Authorities were united in retaining local responsibility for the RE syllabus to ensure its fitness and appropriateness to local circumstances. The use of the Framework in the draft guidance could indeed mislead but with the introduction of judicious wording it could be made clear that local authorities and ASCs were wholly free to produce their own syllabus. Department officials agreed that this could be done.'

This threat of judicial review by a local authority is not only highly inappropriate: it is also completely misguided.

Finally, Hordern read out a statement from the Birmingham Faith Leaders Group, objecting to the undermining of ASCs' autonomy and 'that this Guidance fails to take account of the progress made in Birmingham in the development of a Syllabus which takes living faith to its heart.' Archbishop Vincent Nichols, then Archbishop of Birmingham, added a statement (also read out) saying 'I would certainly oppose [the document] thoroughly, on both points and on the secular humanism as well.'<sup>54</sup> Therefore, while the Churches publicly all supported the document, Vincent Nichols and the other members of the Faith Leaders Group privately opposed it.

### **Deleting Humanism (and the RE Council) from the RE guidance**

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<sup>54</sup> Both Birmingham Council tranche of documents, '10 20090908081037387', and DfE tranche of documents, page 33, 26 August 2009



The next document we have, produced by Felderhof on 14 May, is the draft of the 2010 non-statutory national guidance that was put out to consultation – except that Felderhof has tracked extensive changes on it,<sup>55</sup> in order to:

- firstly, delete any references to humanism and secular philosophies, placing ‘religious’ in front of every occurrence of the word ‘belief’ (so it no longer refers to non-religious beliefs), and removing any impression that the Human Rights and Equality Acts had changed the law surrounding RE;
- secondly, making it clear that the 2004 national framework does not usurp the authority of SACREs;
- and thirdly, diminishing the role of the Religious Education Council for England and Wales.<sup>56</sup>

In particular, the draft guidance has an example where humanist membership of the SACRE is considered. It said, ‘It was decided that in the interests of effectiveness the membership should be expanded to include young people as well as a Bahá’í and a Humanist representative and somebody from a nearby university.’ The tracked changes simply cross out ‘and a Humanist’.

Felderhof sent this document to the DCSF on 16 July.<sup>57</sup> After judicial review was threatened, the final guidance, while not prohibiting full membership, only recommends co-option: ‘It was decided that in the interests of inclusion the membership should be expanded to include a Bahá’í representative and through co-option to include young people as well as a Humanist representative and somebody from a nearby university.’

At some point Felderhof and Hordern also responded to the consultation. While the DfE no longer held their full response by the time of our FOI request, we do have a briefer response saying that the guidance ‘lets religious education down by trying to incorporate non-religious ‘worldviews’ in their own right rather than as critiques of religion or as ways of clarifying religious life. See longer response separately submitted’.<sup>58</sup>

### **Further correspondence and lobbying for meeting with minister**

On 6 August Birmingham Humanists wrote back to Hordern, expressing regret at the decision and enquiring about co-option: ‘It seems a pity, especially as Birmingham SACRE has tried to be as inclusive as possible to all the various strands of belief, that Humanists are excluded from Birmingham SACRE and I feel that young people should at least be made aware that a belief that there is no God or that it is not possible to know whether there is a God or Gods or none is just as valid and defensible as any other... [We] are most concerned that children in the City do not end up with the misconception, peddled recently by someone who should know better, that atheists and agnostics are less than human... We are equally concerned that another hoary old chestnut, that it is

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<sup>55</sup> Birmingham Council tranche of documents, ‘08 8222-DCSF-Religious\_Ed\_in\_Eng-consultation-FINAL’, and DfE tranche of documents, pages 55-105, 14 May 2009: [https://humanism.org.uk/wp-content/uploads/08-8222-DCSF-Religious\\_Ed\\_in\\_Eng-consultation-FINAL.doc](https://humanism.org.uk/wp-content/uploads/08-8222-DCSF-Religious_Ed_in_Eng-consultation-FINAL.doc)

<sup>56</sup> For instance, as already stated, one section read ‘The Religious Education Council: All major faith communities and professional RE associations are members of the Religious Education Council of England and Wales (REC). This body acts as an ‘umbrella’ group to represent the diverse groups and interests of the subject, works in partnership with the Department for Children, Schools and Families (DCSF).’ After tracked changes, this became ‘Religious Bodies: Most major faith communities provide support and advice on Religious Education. They frequently work in partnership with the Department for Children, Schools and Families (DCSF).’

<sup>57</sup> DfE tranche of documents, page 39, 16 July 2009

<sup>58</sup> DfE tranche of documents, pp 1-7, May or July 2009

impossible to live a good and moral life unless you have religious faith, will be implied when pupils study the 24 dispositions.’<sup>59</sup>

In June there was a Government reshuffle, and in August, Lawrence wrote to Diana Johnson, the new Parliamentary Under-Secretary of State for Schools, to object to the draft guidance, propose that alternative (shorter) guidance be drafted, and ask for a meeting between her and the Birmingham Faith Leaders Group. Lawrence referred to the meeting of 12 May and quoted the statements of the Faith Leaders Group and Vincent Nichols. He proposed that a working party be convened for this ‘which is more representative of RE stakeholders than the Steering Group which substantially drafted the existing guidance’, and that that working party considers ‘The representation of secular humanism within SACREs.’<sup>60</sup> Johnson wrote back refusing the suggestions and a proposed meeting.<sup>61</sup>

The Birmingham Faith Leaders Group met in November, and wrote a letter, primarily signed by David Urquhart, to Horder ‘Re: Representation of Humanism on SACRE’. In it they state that:

‘Since the syllabus is fundamentally about *religious* contributions to the development of pupils and society we view with some concern the attempts by the British Humanist Association to gain some official representation on Birmingham SACRE. There may well be humanist views amongst the representatives on the Teacher and Local Authority Committees of the SACRE but this is quite a different matter from giving the British Humanist Association some official status on SACRE as if they *as an organisation* were well placed (1) to offer ‘religious advice’ or (2) to offer ‘pedagogical advice’ or (3) to represent the wider community in ways that are not already well served by representatives from the City Council. We do not believe they should be specifically identified from all other groups in society to do either (2) or (3) above. You must be aware that the British Humanist Association and the National Secular Society are organisations which have systematically sought to diminish the religious voice in the public square, so we fear that their contributions may be less than helpful.

‘...given the legal advice in the 1974-5 that secular philosophies ‘in their own right’ could not be part of any RE syllabus, we do not understand the precise function to be served by a representative of the British Humanist Association on SACRE.

‘...It is our understanding that the City Council has sought renewed legal advice which confirmed that secular humanism could not be treated as if it were a ‘religion’. Any pretence on the part of SACRE that humanism is a ‘religion’ of sorts is to do them and us a disservice, as well as contravening the letter of the law. We therefore urge you to consider carefully what the precise impact of a humanist representative on SACRE might be.’<sup>62</sup>

Of course, no-one is pretending that Humanism is a religion. Nor does the BHA systematically seek to diminish the religious voice in the public square.

Felderhof subsequently emailed civil servants to say that ‘I was asked to attend a meeting of Birmingham’s Faith Leaders Group chaired by the Bishop last Wednesday at which they quizzed me about what was happening with respect to the Guidance. They are not just a little put out at being

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<sup>59</sup> Birmingham Humanists tranche of documents, ‘JE 05 FINAL\_letter\_to\_SACRE August09’, 6 August 2009

<sup>60</sup> DfE tranche of documents, pp 32-35, 26 August 2009

<sup>61</sup> DfE tranche of documents, pp 36-37, 26 August 2009

<sup>62</sup> DfE tranche of documents, pp 40-41, 12 November 2009

refused a meeting with the minister, Diana Johnson!!' Felderhof subsequently sent them the Faith Leaders Group's letter to Hordern.<sup>63</sup>

Meanwhile, Urquhart and the Faith Leaders Group decided to write to several Birmingham MPs, objecting to the guidance and asking them to 'help to make our views more clearly known to the Minister and seek to secure the continuing freedom to provide Religious Education in the way that the city has already determined.' In the letter they stated that:<sup>64</sup>

'Our multiple concerns may be focussed on two key points: 1. The place assigned to the QCA's Non-Statutory National Framework for RE (NSNFRE) (2004) in the proposed guidance. And 2. The expectation and apparent requirement to teach Humanism and Secular Philosophies in the context of Religious Education...

'Legal advice in 1974 – 75 made a distinction between teaching secular philosophies as a 'critique of religion' and teaching secular philosophies 'in their own right'. The former was deemed acceptable and may even be seen as essential to a self-critical and an enhanced view of religious life. On the other hand, the latter, (teaching secular philosophies in their own right), was that at that time not to be permissible in law. Our understanding is that, despite suggestions to the contrary in the draft Guidance, the legal situation remains unchanged.

'Teaching secular philosophies 'in their own right' is not only inappropriate in RE, the category is too undefined and might include anything from scientology or environmentalism to Maoism, or indeed other views which could be wholly offensive to established religious traditions and thus bring religious education into disrepute.

'...We believe it wholly wrong to be anything other than open and honest in Religious Education. We think that most parents expect their children to be taught the sense and values of traditional forms of religious life in RE, to teach their children secular philosophies which have actually no bearing on religious life is to deceive the parents.

**'...we think that any governmental Guidance that directs schools and teachers to teach atheistic and secular philosophies within RE, to be wholly wrong and offensive.'**

'We expect that our religious communities would hold us to account for passively allowing such proposed guidance to become current without protest. They will similarly hold a government to account that is party to issuing such guidance. We therefore ask you to make our views known to the Minister before she launches guidance which in their current state would cause a great deal of upset.'

At least two MPs passed this document on to Diana Johnson. Clare Short wrote 'I am astonished that you refused to meet with Birmingham Faith Leaders Group.'<sup>65</sup> Lynne Jones however wrote 'I am disappointed that you are unable to meet with the Birmingham Faith Leaders' Group. Nevertheless, as a member of the British Humanist Association, I support secular beliefs and philosophies. If it were appropriate to include scientology or Maoism in secular philosophy, it would be equally appropriate to include scientology or Maoism in religious philosophy, yet schools have managed to

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<sup>63</sup> DfE tranche of documents, page 38, 13 November and 7 December 2009

<sup>64</sup> DfE tranche of documents, pp 43-46 and 48-51, 24 November 2009

<sup>65</sup> DfE tranche of documents, page 42, 1 December 2009

be sensible about such matters. If the inclusion of secular philosophies is against the law, the law should be changed.<sup>66</sup>

Johnson wrote back to Jones in January, saying that while she 'did not think it appropriate to meet with the Religious Education (RE) guidance was the subject of a public consultation... the issues raised by the Birmingham Faith Leaders' Group would be best addressed in a full discussion. My office will be in touch with the Right Reverend David Urquhart'.<sup>67</sup> The meeting was held on 21 January, with Lawrence sending to the DCSF ahead of time Felderhof's 'tracked changes' version of the guidance deleting all references to Humanism.<sup>68</sup>

### **Publication of the guidance**

The guidance was published a week later, on 29 January.<sup>69</sup> As already stated, the example in the draft which recommended humanists be given full membership of SACREs was amended so that, while not prohibiting humanist membership, it only endorses co-option. Had the guidance recommended full membership, it seems likely that most humanists on SACREs would now be full members, instead of co-opted.

Johnson subsequently wrote back to Lawrence to say that 'The final version of our non-statutory guidance published last week does take account of views expressed during the consultation period, including those in your letter to me of 26 August and those in the letter which the Birmingham Faith Leaders' Group sent to Lynne Jones MP on 18 November... I would like to reassure you that there is no question of us wanting to impose particular approaches on local authorities when they draw up locally agreed syllabuses... They of course have to satisfy themselves that their approaches are consistent with the law, but... there [is no] requirement to include humanists as members or even co-optees on SACREs.<sup>70</sup>

Subsequently, Birmingham SACRE decided to form a 'working party on Humanism and Religious Education', to which the Humanist Group was told they would be able to give a presentation.<sup>71</sup>

### **Correspondence since the general election**

All subsequent events take place after the general election, with various bits of correspondence between Hordern and civil servants about the new Government's position on different things and making points about the value of having faith. At one point, the Bishop of Birmingham and Lawrence write to Michael Gove, expressing regret that he also has refused to meet with them: 'The Faith Leader's Group, as a body, made representations to the Government and met with the then Minister for Schools, Diana Johnson MP, on January 21<sup>st</sup> 2010... It is a matter of great regret to me that you appear unwilling to consult with myself and others'.<sup>72</sup>

### **Birmingham SACRE's 'Report on Humanism'**

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<sup>66</sup> DfE tranche of documents, page 47, 16 December 2009

<sup>67</sup> DfE tranche of documents, page 52, 14 January 2010

<sup>68</sup> DfE tranche of documents, pp 52-54, 20 January 2010

<sup>69</sup> 'Religious education in English schools: Non-statutory guidance 2010':

<http://education.gov.uk/schools/teachingandlearning/curriculum/subjects/a0064886/religious-education-in-english-schools-non-statutory-guidance-2010>

<sup>70</sup> DfE tranche of documents, pp 106-107, 3 February 2010

<sup>71</sup> Birmingham Humanists tranche of documents, 'JE 05a TERMS OF REF FOR WORKING PARTY', 10 February 2010

<sup>72</sup> DfE tranche of documents, pp 128-131, 7 March 2011

Meanwhile, having not heard anything about Birmingham SACRE's 'working party on Humanism and Religious Education' in seven months, in September 2010 Birmingham Humanists' would-be SACRE representative, John Edwards, decided to write again to Hordern and Felderhof: 'I was also disappointed to hear that the working party which had been set up to consider Birmingham SACRE's attitude towards...Humanism had still not met, in spite of its creation being announced on 10<sup>th</sup> February and there have been 2 full SACRE meetings since then. I am by nature a patient person but feel such a long delay is unreasonable and does not fill me with confidence that there is any real commitment to consider this.'<sup>73</sup>

Hordern replied that 'THE WORKING PARTY ON HUMANISM HAS MET SEVERAL TIMES SINCE IT WAS FIRST ESTABLISHED BY SACRE, THE REFERENCE TO 'NOT MEETING' WAS TO THE PERIOD BETWEEN THE MEETINGS IN JUNE AND SEPTEMBER... AS PROMISED, YOU WILL BE INVITED TO ATTEND TO SPEAK TO THE W/P AT SOME POINT. I HOPE THAT THIS WILL BE BEFORE THE END OF THE YEAR'. But Edwards replied that 'My impression that the working party had been inactive was drawn from the fact that it was reported during the Highbury Hall meeting in February that the working party had been set up and I have recorded in my notes of 9th June meeting that it had not yet met. A similar statement was made on the 13th September but that a date for it to meet was being fixed at the end of the meeting.'<sup>74</sup>

Edwards gave his presentation on 8 December to Hordern, Felderhof, and three other members of group A of the SACRE.<sup>75</sup>

The report was not published until February 2012.<sup>76</sup> The document was drafted by 'Marius Felderhof, Chair of the working group on Humanism'. The three-page document restated Dingemans' legal advice, and said: 'The substance of this advice was communicated to the Department for Families, Schools and Children [sic]. City representatives meeting with the Department gained the distinct impression from a member of staff that the Department had received similar legal advice. The subsequent Guidance published by the government in Jan. 2010 was changed substantively from its draft version as a consequence.' This is in spite of the fact that their minutes of the meeting in question recorded the DfE saying 'The department officials indicated that Humanists had also taken legal advice and had come to contrary views and that only the courts could decide.'<sup>77</sup>

The reasons given for denying humanist representation were:

Young people's 'understanding of what it means to live well... are shaped by many different in-puts... many of these influences are not only critical of religious life, they are frequently strident and openly hostile, cf. R. Dawkins and P. Toynbee. Evidently, young people are not being denied access to a diversity of views nor are they denied access to humanism by these means.

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<sup>73</sup> Birmingham Humanists tranche of documents, 'JE 06 E Mail to Guy Hordern & Marius Felderhof Sept 2010', September 2010

<sup>74</sup> Birmingham Humanists tranche of documents, 'JE 07 GH email with my responses in red', September 2010

<sup>75</sup> Birmingham Humanists tranche of documents, 'JE 09 Dear Andrew' 9 December 2010

<sup>76</sup> 'Humanism Report for 29th Feb SACRE Meeting', 21 February 2012

<sup>77</sup> Birmingham's minutes of which are Birmingham Council tranche of documents, '09 minutes of DCSF meeting - agreed 1', 27 May 2009

'In the midst of these multiple voices, what religious traditions offer is both expressive of an understanding with a foundational sense of a flourishing human life and a systematic consideration of it through its reflexive intellectual traditions. Whilst religious institutions are by no means the only cultural force to consider the deep issues of life, they do so in a distinctive way, viz. by considering human life before God or the transcendent...

'Perhaps the most important reason [for not including Humanism] is that it is illegal... It is clear that in law, humanist and secular philosophies, are not religious and therefore cannot be included in an RE syllabus 'in their own right'...

'To think RE is about teaching children 'worldviews' is a mistake both from the perspective of the aims of education and from the perspective of the Birmingham RE syllabus... The goal is... not so much to teach worldviews (religious or non-religious) but about developing children and society. In this context RE is about the contribution that religious life could, and does, make to this endeavour...

'It is noted that the British Humanist Association and National Secular Society are far from sympathetic to religious life and on occasion communicate a sense of hostility and intolerance of religious practices and understandings where these happen to differ from their own. Where this is the case, they could only muddy the religious contribution since all understanding of people who comprehend their life differently begins in a profound empathy and sympathy.

'A strong argument for excluding the Humanist position 'in its own right' is the distorting influence this could have, and has had, on religious education by looking for some 'lowest common denominator'. This has meant that religious life is often studied from a secular perspective that invariably and wrongly treats religious life as if it were one hypothesis amongst others about which one may take a view based on dubious evidence. Whereas in reality religious life is an attempt to live faithfully in response to a moral and spiritual claim made on a person as these are mediated through a tradition...

'A counter argument to excluding them from representation on religious committees is that it would appear to show a supposed degree of intolerance on the part of religious people. However, one need not infer from the policy of exclusion within RE that there is no occasion to have humanist views on (and expressed within) the school curriculum as a whole. Unfortunately, at the moment all too often a secular view is the only diet that pupils get.'

Perhaps what is most interesting about this 'report' is that while up to now Hordern and Felderhof predominantly focused on using legal arguments to oppose the place of Humanism in RE, here Felderhof has slipped into making predominantly moral arguments. Many of the views expressed denigrate the non-religious and their beliefs, presenting them as inferior to religions, or too far removed to be possible to study (despite the fact that the inclusion of Humanism in RE is widespread). A confusion is made between the fact that the school curriculum outside of RE largely does not deal with religion, and the idea that it therefore deals with Humanism (which it does not).

## Subsequent events

In November 2011, after making enquiries about possible humanist membership of a variety of SACREs, the BHA became aware of Birmingham's legal advice. Freedom of information requests to the Council and DfE unveiled the full extent of Felderhof, Hordern, Lawrence and Urquhart's lobbying. In March the BHA met with lawyers and considered a possible legal case. However, a few days later a Liberal Democrat councillor on group D of the SACRE (the group representing the local authority) prompted the SACRE to discuss adding a humanist member to group D. Due to this potentially complicating a legal case, it was decided to wait and see what happened.

However, in May 2012 local elections were held in Birmingham. Les Lawrence lost his seat, and the Conservatives lost control of the Council to the Labour Party. The Labour Party decided to appoint a new Chair of the SACRE – Councillor Barry Henley. Barry decided to appoint Valerie Seabright, a fellow Labour councillor who is not religious, to group D: 'I took the decision on my appointment as Chair of SACRE and the ASC to seek out a Local Authority voting representative who professed no religion. Cllr Valerie Seabright has agreed to join SACRE on that basis and will be pleased to discuss issues with you on religious education from now on from a Humanist perspective.'<sup>78</sup>

However, this solution turned out to be unsatisfactory, as Valerie did not attend meetings regularly. As a result, in January John Edwards decided to apply again, this time for co-option.<sup>79</sup> By the June SACRE meeting it was decided to review the position of all co-opted religious groups to the SACRE (of which there were several), as well as a number of the smaller religious groups on group A.<sup>80</sup> As a result, in July the BHA nominated John Edwards for co-option to Birmingham SACRE. However, come October 2013, to the apparent disappointment of Barry Henley, the SACRE voted to reject a humanist co-optee (along with those from Welsh Presbyterianism, the Ahmadiyya Muslim Community,<sup>81</sup> and the Latter Day Saints – while accepting representatives of Progressive Judaism, Jainism and the Bahá'í Faith).

## Religious Education Council Curriculum Framework

More recently, Felderhof and Hordern have been criticising the Religious Education Council's Subject Review, which was published in October and includes the teaching of non-religious worldviews throughout. Felderhof's 'review of the review', produced in November, wrote:<sup>82</sup>

'One of the most controversial of these appears to be that Faith schools should teach secular humanism and atheism in their RE... Legally it is clear that humanism and secular philosophies are not properly included within religious education except as critiques of religion. They are properly included only as a means for clarifying and testing religious claims and insights, but they are not properly included *in their own right*. The 'experts' were certainly informed of this legal judgment but they have simply chosen to ignore it by including Humanism and 'worldviews' generally in the curriculum starting with the recommended curriculum for Key Stage 1 (p. 18) (i.e. 5-7 year olds)... The clause in the law only specifies religions and says nothing about requiring humanism or atheism to be taught...

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<sup>78</sup> Email from Barry Henley to Birmingham Humanists, 13 June 2012

<sup>79</sup> 'LETTER TO SACRE for co-option Jan 2013', 3 January 2013

<sup>80</sup> 'Letter explaining new Committee A (AL amended)', 29 May 2013

<sup>81</sup> Who, incidentally, have been involved in a separate, long-running dispute, over the SACRE's other Muslim representatives refusing to allow an Ahmadiyya rep to join if that rep calls themselves 'Muslim'.

<sup>82</sup> 'Reviewing the RE Review', 8 November 2013. Obtained from Birmingham Humanists. See also 'RE Review - An Overview and Critique' powerpoint presentation.

**In short the RE Review is blatantly stating that Faith Schools should teach humanism and atheism in their RE programmes!...**

'It is neither possible nor desirable in a free and open society to shelter children from secularity, agnosticism, atheism and humanism, nor is it feasible to do so since much of the curriculum already presupposes methodologies and intellectual enquiries etsi deus non daretur (as if God does not exist). What is at issue is whether such a methodology, or methodologies, should be used in RE and thus whether religions and secular worldviews are ultimately on a par. The latter (worldviews) are seen as human constructs which might differ from time to time like the duck-rabbit diagrams - now you see the world one way and now another. Religions, on the other hand, present themselves in a very different way, perhaps as a truth to do or as a command to be obeyed.'

A subsequent version of the document produced in February, which is being prepared for publication in a journal, has also had the academic Philip Barnes' name also attached:<sup>83</sup>

'As the law currently stands secular worldviews, such as humanism and atheism, are not properly included within religious education except as critiques of religion. Secular positions and worldviews are appropriately included only as a means of clarifying and testing religious claims and insights, but they are not properly included in their own right... The proposal by the NCFRE ['National Curriculum Framework for RE', as the document dubs it] that all schools include a study of secular worldviews alongside the study of religion is because the authors of the Review are either unfamiliar with the law as it stands or because they are unappreciative of the distinction between religions and secular worldviews... Under the guise of interpreting the law (in which they have no expertise) the Review mislead its readers as to the benchmarks for RE laid down in statute.

...

'It has already been argued that the study of secular worldviews in their own right in religious education is contrary to current legislation. Apart from humanism, which is specifically cited in the NCFRE by name, no other worldviews are named. One may speculate as to which other secular worldviews are to be included in the RE curriculum, given that the Review speaks of worldviews in the plural: scientific materialism, atheism, Marxism - Stalinist, Maoist, Marxist revisionary, National Socialism, Freudian psychoanalytic atheism, or Nietzschean 'will to power' atheism. Of course none of these secular worldviews are cited, but that is beside the point: the NCFRE recommends a study of secular worldviews and any of these can legitimately be studied. One can not complain about a study of Marxism or National Socialism in religious education, when this is within the terms of the NCFRE.

'It is neither possible nor desirable in a free and open society to shelter children from secularity, agnosticism, atheism and humanism, nor is it feasible to do so since much of the curriculum already presupposes methodologies and intellectual enquiries etsi deus non daretur (as if God does not exist). Non-religious interpretations of reality abound in the modern state, community school, in fact it can be contended that all other subjects apart from religious education are concerned with non-religious commitments that are ultimately expressive of secular worldviews...

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<sup>83</sup> L. Philip Barnes and Marius Felderhof, 'Reviewing the Religious Education Review', 4 February 2014. Obtained from a SACRE to which it was sent and to whose members it was circulated.



‘What have secular worldviews to do with *religious* education? Unfortunately, the Review provides no reasons or arguments for the widening of RE to include secular worldviews. This creates the suspicion that there are no good reasons. Providing no reasons for the controversial inclusion of non-religious philosophies in the curriculum suggests that those who are designated as ‘experts’ and produced the Review possess some special insights into education that are unavailable to others. This select group knows the benefits that will accrue to pupils and society by a study of worldviews but this knowledge is based upon reasons and considerations that cannot be shared because only they can appreciate and comprehend them.’

It is simply not true that Humanism cannot be a full part of RE. The vast majority of locally agreed syllabuses include Humanism. And to reiterate, there is confusion between the fact that the school curriculum outside of RE largely does not deal with religion, and the idea that it therefore deals with Humanism (which it does not).

Nor would anyone ever seriously suggest the teaching of Marxism, Nazism, and so on, within Religious Education, just as schools are able to exclude Scientology or extremist religious ideologies. These political ideologies are clearly not what is meant by ‘non-religious worldviews’; they are plainly not within the terms of the curriculum framework.

Felderhof also offers a partisan dialogue on the difference between agnosticism, atheism and Humanism, on the one hand, and religions on the other. Whereas Felderhof argues that the former are human constructs, humanists would argue that agnosticism and atheism are straightforward notions that are fixed and unchanging, while Humanism is constructing from agnosticism and atheism a worldview based on reason and humanity. Humanism is trying to get at something innate; and while Humanism in practice might change to the extent that atheists’ and agnostics’ understanding of reason and humanity changes, a long lineage of humanist thought can be traced back to ancient Greece. Conversely, religions, which humanists believe are manmade constructions, might present themselves as fixed but in practice are more open to change.

The only way for Religious Education to treat these two opposing views fairly is not to privilege one over the other but to treat them equivalently in terms of curriculum space and in terms of composition of SACREs and ASCs. This is all that the BHA is advocating and that the framework supports, but is what Hordern and Felderhof have worked so hard to oppose.

By way of reply, John Keast, Chair of the RE Council, wrote a blog stating:<sup>84</sup>

‘there has been a widespread and genuine welcome to the RE Review report published last October. A small number of people, however, have voiced criticism of both the process and the outcome of the Review - for example, the reference to worldviews, especially humanism, in the national Curriculum Framework for RE. The RE Council welcomes positive criticism when it is based on genuine knowledge and understanding. When this is not the case with all our critics then we try to correct any false impressions. Should you come across such criticism please be assured it is from a small and unrepresentative minority (though some have parliamentary connections which tends to exaggerate the significance of their criticism). The Catholic Education Service, the Church of England Board of Education and the Muslim Council of Britain, to mention but a few of our member bodies, remain firmly behind

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<sup>84</sup> Keast, John, ‘Forward Together, United’, Religious Education Council blog, 1 February 2014: <http://religiouseducationcouncil.org.uk/about/chairs-blog/2014-02-01/forward-together-united>

the Review. It is important to remember that the Review was an RE Council project, not funded by government, which could not possibly command the total agreement of all members of our member bodies. It is the outcome of as consultative a process as our funding allowed, and authorised by the RE Council Board. The Review lays the foundation for further work by the RE Council working in partnership with the Department for Education, who have also welcomed the Review, and with member bodies and others. Arguing well into 2014 about something that is now over and complete seems counter-productive and is potentially damaging to RE.

'I therefore end on a note I have used many times before – it is vital that all those who want to see good quality RE for all our young people in all our schools work together and remain united. RE has enough problems without those who champion it publicly criticising each other. I therefore invite all our critics to join us at the RE Council and work with us in improving RE for the sake of all our children and our society. Are they up for this?'

However, this does not seem to have stopped Birmingham SACRE's activities. In May Barry Henley wrote to all chairs of SACREs, ahead of the National Association of SACREs Annual Meeting, 'in the hope that it will prompt discussion at that event and in local SACRE meetings. Your views and constructive proposals could be included in a shared complementary RE Review which is being prepared...'<sup>85</sup> This letter came alongside a 'Commentary from Birmingham SACRE on the REC Review', apparently agreed at the February meeting of the SACRE, which discussed the teaching of Humanism in the exact same words as Dr Felderhof's previous documents.<sup>86</sup> However, the document was not discussed at the National Association of SACREs meeting beyond a passing mention.

Meanwhile, in response to the Ofsted and Education Funding Agency reports into various Birmingham schools (most of which are currently and all of which were recently legally obliged to follow the Birmingham agreed syllabus), the Government has briefed journalists that all schools should promote British values, including by using 'teaching resources from a wide variety of sources to help pupils understand a range of faiths, and beliefs such as atheism and humanism'.<sup>87</sup>

It is clear that Birmingham SACRE's approach is deeply out of step with the world of RE and society. We hope that by publishing this briefing this approach will be changed.

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<sup>85</sup> Barry Henley, 'SACRE REC2014 - 21.5.14', 2 May 2014

<sup>86</sup> Birmingham SACRE, 'Commentary from Birmingham SACRE on the REC Review of RE (1) - 21.5.14', 21 May 2014

<sup>87</sup> Sparrow, Andrew, 'What does 'promoting British values' mean? The DfE's explanation', from 'Ofsted finds 'culture of fear and intimidation' in some schools', *The Guardian*, 9 June 2014: <http://www.theguardian.com/politics/blog/2014/jun/09/ofsted-publishing-trojan-horse-plot-reports-and-michael-goves-statement-politics-live-blog#block-5395e28ce4b0a6aad6394ac8>

The DfE took this from its advice on Standard 5(1)(a)(vi) of the Independent School Standards (which says that 'encourage pupils to respect the fundamental British values of democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs'). *Improving the spiritual, moral, social and cultural (SMSC) development of pupils Departmental advice for independent schools, academies and free schools*, Department for Education, November 2013: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/268826/dept\\_advice\\_temple\\_smscadvicenov13.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/268826/dept_advice_temple_smscadvicenov13.pdf)