

QUALITY AND EQUALITY: HUMAN RIGHTS, PUBLIC SERVICES AND RELIGIOUS ORGANISATIONS





Foreword



‘Quality and Equality: Human Rights, Public Services and Religious Organisations’ is a report that could not be more timely. In it, we describe the increasingly central position the Government is awarding religion in much of its social policies, and particularly in its policy to contract out public services to religious organisations.

As humanists we believe that inclusive and accessible public services are vital for addressing social inequalities, promoting wellbeing and social cohesion.

The provision of public services should be underpinned by principles of equality, diversity, non-discrimination and a respect for the rights of the individual. Yet, as

detailed in the report, many religious organisations in the running to be awarded, or who have already been awarded, contracts to provide public services have made clear that they wish to discriminate in their employment practices and to provide services in a distinctly religious way, which makes the current lack of human rights protection for service users described in these pages even more of a concern.

‘Quality and Equality’ sets out a number of proposals seeking to mitigate the negative effects of the provision of state-funded public services by religious organisations. It cannot be right that any provider of public services is permitted by law to discriminate in employment policies or in the manner in which it provides statutory, state funded public services. In publishing this report, we hope we have made the case that the gaps in legal protection which currently give religious organisations these abilities need urgent attention, and we look forward to a positive response from government in seeking to address them.

Polly Toynbee

President of the British Humanist Association

Contents

1. Introduction	4
2 . The Historical Background and Current Changes	5
2.1 The involvement of religious organisations	6
2.2 The present position	7
2.3 Examples	8
2.4 Our concerns	9
3 . The Problems	10
3.1 Doubts about the perceived legitimacy and acceptability to users of public services contracted to religious organisations	10
3.2 The risk of ‘parallel services’ - uneconomic and divisive	10
3.3 The risk of discrimination against employees and potential employees	11
3.4 The risk of lower standards of service	13
3.5 The risk of discrimination against service users	14
3.6 The risk of artificially boosting religious organisations with public money and the question of accountability	15
3.7 Lack of human rights protection	16
4. Our Solution: Secular and Inclusive Services	18
5. Our Proposals	19
5.1 No discrimination in employment	19
5.2 No discrimination in the provision of public services	19
5.3 Public authority status to be confirmed for providers of publicly funded public services	20
5.4 No advantage for religious purposes	20
6. Conclusion	21
7. References	22

Appendices – Contents

Appendix A:	About the British Humanist Association (BHA)	23
Appendix B:	Religion and Belief in Britain	25
Appendix C:	Contracting Out Public Services	28
Appendix D:	UK Employment Law: Discrimination by Religious Organisations	31
Appendix E:	UK Equalities and Human Rights: the Position of Service Users	33
Appendix F:	Lessons from Current Practice	36
Appendix G:	Lessons from Current Practice: Education	42
Appendix H:	Faith Schools: Research and Reports, Polls, Survey, and Figures	45
Appendix I:	Lessons from Other Countries	47
References		50

I. Introduction



Fairly provided and fairly distributed public services¹ of a good quality are an essential foundation of a healthy, happy, and good society. We believe that public services can promote the well-being of individual citizens and enhance their social capital, that their full availability is essential for full citizenship and equality for all and equally essential for greater social cohesion.

In the context of current policy of the marketisation of services, this report examines in particular the contemporary involvement of religious organisations as service providers. A number of concerns raised by such involvement are discussed, demonstrating both present and potential problems for service users, for employees, for the standards of service and for social cohesion. A number of compelling arguments lead to this report's conclusion that, ideally, the state should not contract out statutory public services to religious organisations. However, should the policy to increase the influence of religion in and on public services continue to be pursued, a number of proposals are made here which aim to mitigate the potentially negative effects of such a policy in a number of areas.

Our proposals aim to promote equality and prevent discrimination and, taken together, they are intended to ensure that public services in the UK are open and accessible to all (what we call 'secular'), provide equal employment opportunities, and work in ways compliant with the Human Rights Act 1998 (HRA).

In order to maintain their own missions and values, religious organisations may not always be – or wish to be – compliant with equality, human rights and anti-discrimination legislation. But if they want to accept public money to provide public services we believe they must be, and without exception.

¹ Two notes about terminology: (i) When public services are referred to in this document, we mean publicly-funded, comprehensive and statutory public services, to which all citizens have an entitlement; (ii) We refer in this document to religious organisations but our position is the same for organisations organised around a non-religious philosophy or lifescape. We include in this organisations based on any 'religion or belief', where 'belief' includes atheism and agnosticism and non-religious lifescapes such as Humanism.

2. The Historical Background and Current Changes



Across the board, public services are in the process of extensive and significant reform. The Government is introducing new suppliers of public services and this is being done by placing contracts with private ('second sector') and voluntary ('third sector') organisations. The Government maintains that this will make such services more 'individualised' to the preferences of citizens and so better address the needs of diverse individuals and communities (HM Government, 2007).

In the decades following the Attlee reforms of 1945 to 1951, public services have been universal and normally provided by single, if decentralised, public institutions, such as the NHS, the employment service and local authority social and housing services. Voluntary organisations, sometimes aided by public money, have filled gaps in the statutory provision and have pioneered additional (non-statutory) services – as with, for example, hospices, which were started by and have always been heavily dependent on religious individuals and organisations².

Apart from these limited examples, the great majority of public service provision has, therefore, been in the hands of secular bodies (public or through contractors) and there is no evidence that the public are dissatisfied with such secular provision. On the other hand, the main example of non-secular public service provision is state-funded religious schools, which notably finds as many as four out of five people hostile³.

Recent years have seen changes in the traditional pattern of provision. Increasingly, first local and then national services have been contracted out to private and voluntary organisations. Such transfers have been promoted and objected to on a number of grounds. One particular concern is that citizens who are clients of private or charitable contractors do not have the protection of the Human Rights Act. This is in spite of the fact that it is pure chance that they receive their service from such a contractor and not directly from the public authority that is subject to the Act⁴.

We make no judgment on the desirability or otherwise of a mixed economy policy in the provision of public services. There is a feature of the Government's present policy, however, which gives rise to significant additional issues of principle and to substantial practical problems. This is its enthusiasm for placing contracts with religious organisations.

Do you believe that the Church and state should be kept separate in modern Europe?

• Yes 70% • No 9% • Not sure 21%

Harris poll for *Financial Times*, December 2006

² There has, however, always been one major exception to this pattern. Since the 1944 Education Act, one in three schools has been run by the Church of England and the Roman Catholic Church (with tiny numbers in the hands of other voluntary providers), but paid for mainly or wholly by public funds. See appendix G, for a fuller discussion of education and the UK education system as a comparator example for other public services

³ See appendix H for polls and figures on attitudes towards faith schools

⁴ See p 16 and appendix E for discussion of this

2.1 The involvement of religious organisations

It may be asked why religious organisations are different in kind from other charities. After all, some of the charities already contracted to provide services have religious links, although generally of a very attenuated kind (e.g. the Children's Society). The difference is that some of the organisations now being actively encouraged to take on contracts to deliver public services are, generally, religious with a deeper hue⁵.

The distinction is between:

- organisations that, despite a religious foundation, do not (or no longer) discriminate on grounds of religion or belief in either employment or service provision, being motivated wholly or principally by the desire to provide a useful service, and
- those which have a strong religious ethos whose motivation is to a significant extent the manifestation of their devout beliefs, which leads them to discriminate against employees and potential employees and against clients.

'The Salvation Army is a worldwide evangelical Christian church and human service agency... Its mission is to proclaim his (Jesus Christ's) gospel, to persuade people of all ages to become his disciples and to engage in a programme of practical concern for the needs of humanity.'

The Salvation Army. United Kingdom with the Republic of Ireland. Mission Statement (correct at 16/11/07)

The difference thus lies in the potential motivation of those providing the service and in the way they provide it. No provider is perfect: the performance of public sector providers may be influenced by bureaucratic procedures or sectional rivalries, or private sector contractors by the profit motive. But in each case their approach is based on optimising and equitably providing the service they deliver to their clients on the basis of professional standards.

Professional standards can easily be compromised, however, if religious motivations are allowed to colour the service provided. Whereas secular services focus on addressing the causes of problems and on actualising human capacity, regardless of who the individual is, or of her/his beliefs, there is evidence that religiously motivated individuals and organisations – for what seem in their eyes impeccable motives – may be as interested or more interested in saving the souls of the needy than addressing their practical needs (Boddie and Cnaan, 2006; Cnaan, 1999, p80-82). For example, individuals motivated by ideas of redemption and salvation often see clients with difficulties as being in need of or likely to benefit from a religious faith in their lives, something quite extraneous to the service they are employed to deliver.

By no means will all religious believers consciously allow their behaviour to be influenced in this way, but

- those who choose to work for a specifically religious organisation may well be the more religiously motivated (especially if the jobs in question are actually reserved for people of a certain religion, for which see p11 below)
- even those without strong religious motives will find it difficult to avoid the influence of the prevailing values of the organisation they work for – an observation true of all organisations and individuals.

⁵ See appendix F, for examples of some religious organisations' aims and mission statements

2.2 The present position

It is against the background of such risks that the Government is pursuing its policy of contracting out public services to religious organisations.

The policy paper *Building on Progress* sets out the Government's proposals for public service reform, stating that the Government is particularly keen to 'expand the role of the third sector' (paragraph 6.4), which is the sector where religious organisations are most numerous.

In a number of areas, public services have already been contracted out to non-state providers. There have been dramatic changes to the school system, for example, where private and third sector organisations continue to be encouraged to build and run schools, which are almost entirely at public expense. This policy has seen unprecedented increases in the number of religious schools, mainly Christian but some run by minority religious groups⁶. Many prisons are already run by private companies, some healthcare services have been contracted out and there are already more than 900 suppliers of welfare to work provision (Freud, 2007, p44). It is Government policy to extend marketisation to most public services, including health, child care, probation, employment, education, local government services, court services, welfare and policing, with very few exceptions (Cabinet Office, 2006, p37-51; HM Government, 2007, p44-47). Ministerial statements leave little doubt that bids from religious organisations will be particularly welcome: 'There is no reason whatsoever why faith groups should not be at the centre of what we do'⁷; 'I believe faith groups can play a pivotal role in delivering success in welfare reform over the next decade'⁸

Even leaving aside the school system, religious organisations already provide many services to the public, often with the assistance of public money. Little of this work involves statutory services in partnership with, or on behalf of, the state. In these circumstances, no one is compelled to receive services from a religious organisation, as the individual makes the choice whether to access such services or not⁹. However, some religious organisations are already sub-contracted or funded by local authorities to provide public services, such as homeless shelters and residential care homes¹⁰. Indeed, central government has been contracting out welfare and employment services to religious and other organisations for a number of years¹¹, albeit on a much smaller scale than is currently being proposed. In these circumstances the lack of choice – accept a service from the religious provider or go without – is, of course, problematic and objectionable.

The Government has been looking to the public service and welfare systems of other countries for ideas, countries such as the US and Australia which have considerable involvement from religious organisations in their welfare-to-work programmes and other public services¹². Certainly, the Australian model, with its involvement of religious organisations including Mission Australia and the Salvation Army, has been extremely influential on British social policy and reform since the Blair Government¹³.

⁶ See appendix G, for more information on religion and the UK education system

⁷ Rt. Hon Hazel Blears MP stated this during a question and answer session at an NCVO conference 'Natural Allies: Can the VCS and Local Government Work Together?', 19th October 2007

⁸ Jim Murphy MP's speech (Murphy, 2007) 19th February 2007

⁹ Although it is conceivable that in 'closed' environments, such as schools, prisons, hospitals and hospices (where service users are 'captive' with limited choice and control over their environment), the voluntary aspect of participation may become compromised

¹⁰ See appendix F, for examples of current practice

¹¹ See appendix F, for more discussion

¹² See appendix I, for further information about religious involvement in public services in other jurisdictions

¹³ See appendix I, for more discussion

The Government seems to believe that religious organisations bring a peculiar value to the provision of services¹⁴, despite insufficient evidence of this suggested added value either from the UK or abroad to justify such a significant change in the character of the providers of public services. Indeed, a recent report by the National Council for Voluntary Organisations (NCVO) finds that there is ‘no compelling evidence’ to support the Government’s view that religious organisations are particularly distinctive from others, especially in terms of outcomes. It finds that differential treatment on grounds of distinctiveness is therefore largely unwarranted (NCVO, 2007).

It appears to be this uncorroborated view of the value religion could bring to the provision of services that is leading the Government to place contracts for public services with religious organisations. These contracts, with the accompanying capacity-building and other assistance, will inevitably increase the overall strength of religious bodies. This demonstrates the potentially large and disproportionate influence religious organisations may gain from their proposed roles in the provision of public services.

‘It’s never been clearer that faith groups must be part of the response to the problems we face.’
‘Faith groups can and should be a partner in a whole range of things they (government at all levels) do.’

Rt Hon Hazel Blears MP, Secretary of State for Communities and Local Government.
Speech to Faithworks Conference, 2nd November 2007

2.3 Examples

Let us consider some examples of the unwarranted priority that Government gives to religion at the highest levels. The Department for Work and Pensions (DWP), ‘is committed to making the best use of the particular help which faith-based groups can offer towards meeting its objective of getting unemployed people into work’ and ‘is keen to increase the involvement of faith-based groups in the delivery of employment-based programmes... either directly or as sub-contractors to other organisations’ (DWP, 2007).

The National Offender Management Service (NOMS) runs a Faith Alliance¹⁵, established to encourage greater involvement from voluntary and faith organisations in reducing re-offending (Cabinet Office, 2007) – there are already around 460 religious organisations active in UK prisons (CCJF, undated).

The Department for Communities and Local Government (CLG) has a Race, Cohesion and Faith Directorate which gives funding to the Inter Faith Network and sponsors a Faith Communities Consultative Council. The Council is successor to a Home Office working group from which ministers deliberately excluded humanists and whose report ‘*Working Together*’ (Home Office, 2004a), was heavily biased towards religion, being (among other things) the origin of the grants Government gives to encourage and enable faith communities ‘to play a fuller part in civil society and community cohesion’ (CDF, 2005).

For this purpose, CLG commissions the Community Development Foundation (CDF), a non-departmental public body, to run and administer the Faith Communities Capacity Building Fund (FCCBF), which supports ‘faith and interfaith organisations to strengthen their capacity’ (CDF, undated).

¹⁴ See, for example, Jim Murphy MP’s speech advocating the contracting out of welfare services to faith-based organisations, 19th February 2007, in which he declares that he does not believe there can be ‘an entirely secular solution to achieve social cohesion’.

¹⁵ Its full name is Faith and Voluntary Sector Alliance, but this is often shortened to ‘Faith Alliance’ – see, for example, HM Prison Service (2007) press release

CLG is also funding a new Faith and Social Cohesion Unit within the Charity Commission, to work with and support religious charities, strengthening their governance and accountability, and helping to tackle extremism. The Unit will initially work primarily with Muslim charities and communities; work with other faith communities will follow at a later stage (GNN, 2007).

These initiatives illuminate a contradiction at the heart of Government policy. The creation of the Charity Commission unit and the nature of many grants given from the FCCBF demonstrate that many religious organisations are poorly structured, unaccountable and in need of better governance, and that the values held by some of them could be considered extremist. This raises serious questions about the standard of deliverable service outcomes for service users. A policy of handing out contracts to religious organisations may result, in the name of equal treatment for those organisations, in engaging with some organisations with doubtful capacity as well as doubtful motives.

Our concerns

Many established religious organisations can and do make positive contributions to the wider society. They may work to better the lot of others, to do what they can to combat poverty, homelessness, drug addiction, and so on. This we welcome, they do it in their own name, and those who stand to benefit from their good works can choose whether or not to make use of their services. But when the government asks religious groups to run public services, and thereby to act as society's representatives, there is a serious risk of a conflict of interests. They are now not just offering services to those who choose to use them but are being empowered by government to provide public services to those who through individual need and entitlement have no alternative but to accept them. Public service users are forced to be clients of an organisation whose ethos and credo may be at best not shared by them and at worst in direct opposition to their beliefs. This situation carries with it a number of risks.

Before giving a central and growing role to religious organisations, the truth of the crucial claim that it will be a more effective way of delivering services should have been established. However, there is little or no evidence that better outcomes result from service delivery by religious organisations – and actually evidence to the contrary (PCS, 2006; NCVO, 2007). Unfortunately, the same pattern seems to be emerging as with faith schools, where ministers and churches persist in asserting claims of superior performance despite repeated expert reports proving that any apparent superiority is entirely due to their selective intake.

But beyond the question of effectiveness and value for money there is a range of specific concerns about religious organisations providing public services. They too should be addressed before doing damage to a democratically accepted and accountable system that is demonstrably fair and equitable in the way that it delivers public services. These are reviewed in turn. They are:

- Doubts about the perceived legitimacy and acceptability to users of public services contracted to religious organisations
- The risk of 'parallel services'
- The risk of discrimination against employees and potential employees
- The risk of lower standards of service
- The risk of discrimination against service users
- The risk of artificially boosting religious organisations with public money and the question of accountability
- Lack of human rights protection

3. The Problems



3.1 Doubts about the perceived legitimacy and acceptability to users of public services contracted to religious organisations

To build legitimacy and trust in contracted out public services, there is a need for transparency both in how contracts are awarded, and in the basis on which, by whom and to whom they are being provided.

Many factors can detract from legitimacy. For example, the evident determination of the Government to place contracts with religious organisations will inevitably raise questions about fairness if a religious body wins a contract over a non-religious competitor.

The mere fact that an organisation is religious raises questions for many people, given the tradition of public provision and the widespread assumption that churches and their related bodies are private organisations with religious agendas for changing wider society and exerting influence over people outside their organisations. Concerns over discriminatory behaviour (see below) will add to the questions about their legitimacy in their proposed new role.

The case for public services being handed over to such bodies needs to be made publicly and convincingly: religious organisations (and the same applies to other third sector bodies) cannot simply claim to represent or to have the capacity and experience to address the needs of citizens – they must be able to prove this openly and before they are given public money to provide public services. Research commissioned by the Public and Commercial Services Union (PCS) found that ‘Issues of equity, public accountability and transparency have not been faced by third sector bodies in the same way as the public sector’ (PCS, 2006, p37)¹⁶.

Asked, ‘People often comment on the level of attention the Government pays to certain groups in society. Which, if any, of the following groups of people do you think the Government pays too much attention to?’, the second highest option chosen by respondents was ‘Religious groups and leaders’ (see p26).

Ipsos MORI poll for British Humanist Association, October 2006

3.2 The risk of ‘parallel services’ - uneconomic and divisive

In addition, there is the danger that the Government will simply assume that needs arising from an increasingly pluralist society can be better addressed by religious organisations, who claim to represent ‘religious’ and ‘BME’ communities, than by the Government itself. Enhanced general training to handle cultural diversity for those delivering public services within the public sector should be used to increase the personalisation of public services, rather than moving away from a secular system of service provision.

The last thing anyone would want to see would be parallel, separatist services for different sections of the community¹⁷. The example of the increasingly sectarian education system evidences how this approach damages social cohesion and exacerbates inequalities (e.g. ippr, 2007). Yet, with the specific and deliberate inclusion of religious organisations as public service providers, where they are seen and treated as ‘different’ and distinctive, this

¹⁶ This same research found that few of the third sector organisations already contracted by the state to provide employment services, including the religious organisations YMCA Training and the Salvation Army, had made a serious effort to engage with service users or to address their needs through their employment programmes, p37-38

¹⁷ See appendix C, for more discussion

becomes a possibility. For many services – health, for example – it would also be hugely inefficient to have overlapping and duplicated services. It would lead to unavoidable discrepancies in provision: different groups of people, demarcated irrelevantly by religion (which a Home Office study has shown is barely in the top ten features of the identity people would choose to characterise themselves (Home Office, 2004)) relying on separate services.

For some service users the fact that a service is provided by an organisation rooted in a religion or belief that is not theirs will be a huge barrier. For example, some Muslims may find it objectionable to seek services from an evangelical Christian organisation, they may even feel unable to do so – that this ‘Christian’ service is not for them. For many non-religious people, the need to go cap-in-hand to a church-run employment service will be a significant deterrent. The problem will be that much the greater where (as in health or other personal services) intimate details need to be disclosed. This is a problem that has no solution: it is rooted in the minds of service users.

In any case, for practical reasons most public service contracts will have to be awarded to large organisations. But almost all these, and certainly the largest, such as the Church of England and the Salvation Army, are Christian. So it would seem more than likely that by this policy the Government will end up privileging larger, Christian organisations over non-Christian religious organisations. This would not help community cohesion or inter-community relations. It seems senseless to erect these barriers in access to services.

3.3 The risk of discrimination against employees and potential employees

The current law allows employers that have an ethos based on religion or belief to discriminate against actual or potential employees on grounds of religion or belief. The law also allows religious employers to discriminate on grounds of sexual orientation¹⁸. There are, of course, some positions in which it is legitimate to discriminate (a Cardinal needs to be a Roman Catholic), and the law allows for these under the rubric of a ‘genuine occupational requirement’.

In practice, the current law lends itself to too wide an interpretation, meaning that religious organisations can and do specify that candidates must either be of a specific religion or belief, or to have ‘sympathy’ with the particular religious ethos of the organisation, in order to be considered for a position. Religious organisations are allowed to dismiss current employees, or refuse to afford them opportunities for promotion, transfer, training, or any other benefit, on grounds of religion or belief.

The law also allows religious employers to discriminate on grounds of sexual orientation in order to comply with their religious doctrine or to ‘avoid conflicting with the strongly held religious convictions of a significant number of the religion’s followers’¹⁹. They can therefore refuse to offer, or deliberately not offer, an otherwise suitable candidate a job on grounds of their (actual or perceived) sexual orientation.

Religious organisations may also be under pressure from higher religious authorities to discriminate in their employment practices. For example, following the McNab judgment in Scotland, the Catholic Church in Scotland has claimed the right to vet all school appointments, and accordingly the Scottish Catholic Education Service has produced a charter for all Scottish Catholic schools, requiring all staff to adhere to the teachings of the Roman Catholic Church (CRE, 2007). There has also been a tendency of some organisations to re-emphasise their religious nature in the wake of the 2003 Employment Equality (Religion or Belief) Regulations, in light of encouragement from religious bodies²⁰.

¹⁸ See appendix D, for detailed discussion of relevant legislation.

¹⁹ Employment Equality (Sexual Orientation) Regulations 2003

²⁰ See appendix D, for detail on published guidance to religious employers

Person Specification

- 2 Someone who has a close walk with God, is able to sign to the Evangelical Alliance Basis of Faith and can demonstrate commitment to Christians and churches working together.

Job Advertisement for Family Support Worker, Pecan, Crime Reduction & Resettlement Services (correct at 14/11/07)

When public services are contracted out, this inevitably means that large numbers of public sector workers will be transferred into the private and third sectors, essentially changing their employer from the Government to whichever organisation takes over the service in which they currently work. They should in theory be protected by the TUPE regulations²¹ but in some circumstances may be forced to reapply for their positions.

Both scenarios are additionally problematic if the new provider of the service in which they work is a religious organisation. In both cases, the individual may be faced with a choice between redundancy or working for an organisation with a strong, religious ethos that they may find oppressive and that may restrict their career prospects. It would certainly encroach on individuals' rights if they felt forced to adhere – or appear to adhere – to a particular religious ethos or practices in order to be eligible for a position.

Moreover, transferred employees may find themselves at risk of dismissal on the basis of their religion or belief or sexual orientation. Similarly, if employees must reapply for their position with their new, religious employer, they may find that their lack of required beliefs or their sexual orientation render them ineligible for the very post they have previously held.

Employers that have an 'ethos based on religion or belief' only need to show that there is a 'genuine occupational requirement' in order to discriminate against potential applicants for jobs on grounds of religion or belief in the arrangements they make for the purpose of determining to whom they should offer the job, by refusing to offer, or deliberately not offering, someone the job. They can also discriminate against current employees by dismissing them.

Employment Equality (Religion or Belief) Regulations 2003: Regulations 6 and 7

If the employment is for 'purposes of an organised religion', the employer may, 'so as to comply with the doctrines of the religion' or 'because of the nature of the employment and the context in which it is carried out...to avoid conflicting with the strongly held religious convictions of a significant number of the religion's followers', may discriminate against potential applicants for jobs on grounds of sexual orientation.

Employment Equality (Sexual Orientation) Regulations 2003: Regulations 6 and 7

Employees who do not adhere to a religious employer's religious ethos face real risks of discrimination, harassment and isolation in the workplace. Clearly, without either changes to legislation, or strict contractual requirements, there are likely to be wide-ranging and serious consequences for public service workers, if such services are contracted out to religious organisations.

²¹ The Transfer of Undertakings (Protection of Employment) Regulations 2006

There are no guarantees, unlike in American legislation²², that if services are contracted out to a religious organisation in an area, there would be an equivalent, inclusive secular organisation in that area, which current employees could choose as their new employer. Such parallel services are in themselves undesirable but without them, many public sector workers providing services could either find themselves either unemployed or compelled to work for an organisation with whose ethos and practices – some of which may be discriminatory – they do not agree. This problem will be especially acute if large-scale contracts are placed with religious organisations, where a large proportion of (especially senior) posts are forever reserved for people with the ‘right’ beliefs and/or sexual orientation²³.

3.4 The risk of lower standards of service

Through discrimination in employment on grounds of religion or belief, there would also be potentially very detrimental effects on the quality of a service. The pool of actively religious people in society from which a religious organisation may wish to recruit is already narrow and shows every sign of continuing to narrow in future years²⁴. Insofar as the proportion of public service employment falling to organisations linked to each religious belief exceeds the proportion of the qualified potential employees holding that belief, those employees will be offered employment and career advantages more on the basis of their beliefs than their capabilities, and other qualified potential employees will be disadvantaged for the same reason. If a provider is not hiring the most qualified and capable staff, then the quality, legitimacy and level of service is likely to drop.

There is another way that religious organisations may offer an inferior service. In some areas of work, some religious believers may find occasion to exercise rights of conscience. Such rights are a mark of a civilised society and no one wishes to force people to act contrary to their consciences or religious beliefs, but difficulties arise when alternative provision is not available. If in a locality the only source for contraceptive advice and supplies, or for abortion, is a Roman Catholic NHS contractor, and the staff are largely Catholic, the entitlement of local people to such services will be frustrated. Even non-Catholic staff may come under pressure – perhaps with threats to their jobs – not to provide services, or the organisation may straightforwardly ban their provision.

In the UK, palliative end-of-life care is largely in the hands of religious organisations that have pioneered such care. However, insofar as it is publicly funded, there are legitimate concerns that normal rules about withdrawal of life support may not be followed when sought (*The Muslim Weekly*, 2007). Such concerns can only be exacerbated as more progressive laws in relation to end-of-life care come into force. One clear example would be the legalisation of assisted dying for the terminally ill (which over 80% of the public support, according to a 2004 NOP poll), where religious organisations are likely to refuse to permit it on their premises.

The problem is that religion brings supervening motives into play that can interfere with providing the best possible service to the public.

²² See appendix I, for information on legislation in other jurisdictions

²³ See appendix G, for examples of the parallel problems already faced by teachers and the growth in state-funded ‘faith’ schools

²⁴ See appendix B, for statistics on religion and belief

3.5 The risk of discrimination against service users

Part 2 of the Equality Act 2006²⁵ outlaws discrimination by organisations on grounds of religion or belief in various areas, including in the provision of goods, facilities and services. However, as with other equality and anti-discrimination legislation, religious groups have important exemptions, which allow them to discriminate on the grounds of ‘religion or belief’ under certain circumstances.

Given this exemption, can religious organisations meet, in a neutral fashion, a secular demand for the provision of public services? Can they be totally inclusive, open and accessible to all and operate on a basis of equality and non-discrimination in how they deliver their services? Will they without fear or favour respect the human rights of their staff and their clients?

There is nothing to prevent them from maintaining these standards – routinely expected in the public sector – but the question arises over their inclination and will. Indeed there is good reason to believe that some religious groups may actively wish to discriminate against certain sections of society in the provision of public services. We observed with considerable concern, and assisted to combat successfully, the attempt (led by the Roman Catholic Church and supported by the Church of England at the highest level) to gain exemption from the Equality Act (Sexual Orientation) Regulations 2007 (or ‘SORs’). These regulations outlaw discrimination on grounds of sexual orientation in the provision of goods, facilities and services, including publicly-funded services such as adoption. That furore gives a good indication of the desire by some to differentiate amongst service users on grounds of sexual orientation, and the same may well be true of ‘religion or belief’. As the numbers of religious public service providers increase and they become more entrenched in the system, they will inevitably feel in a stronger position to discriminate in provision of services against some service users, motivated by religion.

As enacted, the SORs make clear that exemptions that allow religious voluntary organisations or charities to discriminate against service users on grounds of their sexual orientation do not apply when such an organisation is operating on a commercial basis or on behalf of and under contract with a public authority (CLG, 2007)²⁶. But this is the only part of all equality legislation that overrules exemptions for religious organisations when fulfilling public service contracts. Discrimination on grounds of religion or belief remains legal even when a religious organisation is working under contract to provide a public service.

Some reassurances about contract provisions to prevent discrimination have been offered by the Department for Work and Pensions (DWP), but in inadequate terms which do not recognise the need to extend compliance to subcontractors. Besides, contracts are not an adequate way to guarantee service users’ rights²⁷.

An additional worry is the manner in which the service may be offered. The Equality Act has no provision outlawing harassment based on religion or belief in the provision of goods, facilities and services. This is an omission about which we have in general no complaint, since the cost to free speech of anti-harassment provisions may well outweigh the benefits of such a legal protection.

‘Whilst it is appropriate for the state to be religiously neutral, this is impossible for an organisation such as The Salvation Army, which delivers its services as a direct outworking of the Christian faith’
Salvation Army (2006) Memorandum to the Joint Committee on Human Rights

²⁵ See appendix E, for more details on the Equality Act

²⁶ The Equality Act (Sexual Orientation) Regulations 2007 regulation 14(8)

²⁷ See appendix C, for more information

When public services are concerned, however, the matter is different. And we believe that there is a real risk that non-religious people and people with religions and beliefs different from those of a religious service provider may be subject to harassment²⁸ if services are provided either in religious settings or in places with visible religious symbolism, by staff seeking to make a show of their religious beliefs to service users, or indeed to proselytise. Religious pictures on the walls may seem inoffensive to those of the religion in question, but they can create a hostile or offensive environment for others. Religious activities – staff inviting clients to take part in religious worship or praying for clients while providing services – are at best an unwelcome intrusion for many people, at worst enough to deter them from taking up the service at all.

To provide public services in inclusive and secular ways and settings would help to ensure a positive experience of a service for all users, and would help to build legitimacy and trust in that service.

As the Government continues to put more public services through the Voluntary and Private Sectors one of Pecan's aims is to make these services available at a local community level, especially through churches'.

Pecan (2007) Annual Review

3.6 The risk of artificially boosting religious organisations with public money and the question of accountability

Religious organisations, even if they were to act responsibly and meet all the secular requirements of a public provider, are not like other, secular, charitable organisations. They are by their very nature seen by many as sectarian²⁹.

Are you:-

• a religious person 33% • not religious 63%
ICM poll for *The Guardian*, December 2006

Religious groups delivering public services would understandably use the role as an opportunity to build their capacity to promote their own religion and thereby to profit in one way or another. One worry would be that religious organisations might use Government funds, grants and expertise to assist their religious work, and not solely to provide the contracted public service.

There will undoubtedly be contract provisions against this - but will they be enforced? Payments by an organisation set up to handle a public service contract may well be made to a parent religious body for services rendered and these may be inflated as a means of filtering money into religious work. Similar payments have been made by the evangelical Emmanuel Schools Foundation's Kings Academy in Middlesbrough³⁰. Will the Government have auditors looking out for such payments? Will the Government be prepared to hold to account the very organisations it is so anxious to see running our public services if questionable conduct comes to light?

²⁸ See appendix E

²⁹ Including the Government – see NCVO (2007) report Faith and Voluntary Action.

³⁰ The Academy paid £14,039 to the Billy Graham Evangelistic Association and let contracts without competitive tender for services such as marketing and recruitment, education consultancy and project leadership to persons and organisations connected in various ways with the parent Emmanuel Schools Foundation. The payments were cleared by the Charity Commission.

3.7 Lack of human rights protection

The passing of the Human Rights Act (HRA) was a clear example of the Government's desire to develop a culture of respect for human rights in the UK, to complement and take further a range of equality and anti-discrimination legislation already in place and being developed.

The HRA is of great importance for the protection of the rights of service users. Yet, only a narrow range of service providers, such as local authorities, are deemed by British courts to be public authorities, and it is only those with public authority status who are bound by the HRA³¹. Following a landmark judgment in the Lords³² this narrow interpretation of (public authority) has been reaffirmed, making changes to the HRA even less likely in future.

Without legislative changes in this area, increasing the number and diversity of public service providers will mean that more and more individuals would be denied their human rights – rights which they would enjoy if the service they used were provided directly by the state or a local authority.

The use of the phrase 'public authority' within the HRA was based on an assumption that most public services would be provided by the state directly. A highly mixed economy of services and the use of great numbers of (sub)contractors in particular was not a significant part of the Government's approach to public service policy at the time of the HRA. However, changes to public service provision, including the drive to contract out to religious organisations, are increasingly exposing the shortcomings of the original legislation, and the 'gap effect' now occurring is clearly not what was intended when the HRA was passed.

It simply cannot be right that, for example, individuals in state-funded residential care in one area are protected by the HRA, and individuals in state-funded residential care in another are not. We see no reason why individuals' rights should be subject to a lottery.

Written evidence submitted to the most recent Joint Committee on Human Rights (JCHR) inquiry into the meaning of 'public authority', highlights that it is religious (all Christian in this instance) organisations who may be particularly resistant to having public authority status extended to them, since they wish to maintain their religious ethos and hence feel compelled to discriminate in the provision of services (JCHR, 2007a). The JCHR's final report however, rejects claims that religious organisations should be privileged by being excluded from public authority status, so that they be allowed to breach the human rights of service users:

'In the light of increasing interest in delivery of services by faith-based voluntary organisations... We re-iterate that the right to manifest a religious belief – in contrast with the freedom of conscience to hold a religious belief – is not absolute, and must be weighed against the individual rights of service users. Proportionate interferences are in principle possible to protect the rights of others. Any exemption from recognition as a functional public authority would need to be justified as necessary to meet the more narrow right of religious organisations to freedom of conscience' (JCHR, 2007, para 101).

³¹ See appendix E, for a full discussion of meaning of public authority and the HRA, for details and relevance of this judgment, as well as more detailed implications and concerns

³² See appendix E, for details and relevance of this judgment

The HRA protects the rights of individuals to, for example, dignity and respect for family life, the right to freedom of thought, conscience and religion or belief, which includes non-religious beliefs³³, and freedom of expression. People need to have trust in the public services they receive; they need to be able to respect those delivering services, and be respected and treated with dignity. It is the right of every adult individual, for example, to form and maintain personal, including sexual, relationships of their choosing. It is the corresponding duty of the state to ensure as far as possible that individuals are neither compelled to form, nor actively dissuaded from forming, relationships of their choosing.

Yet if public service providers are not in law public authorities, many service users will be deprived of their human rights including respect for private and family life. For example, we are aware of circumstances where people with disabilities in religious residential care homes have been prevented from having sexual relationships, and also where visits to gay partners in such homes have been restricted or prevented. For service users, then, it is critical that suppliers of welfare and other services are covered by the HRA, so that their rights above and beyond those covered by equality and non-discrimination regulations are fully protected.

Religious organisations that object to respecting their clients' human rights have a simple remedy: they should not take on public service contracts.

We support wholeheartedly the Government's admirable motivations in bringing in the HRA. Our concern is that, by prioritising its desire to contract out public services, particularly to religious organisations, it has allowed a gap in human rights protection for service users to open up. Thus far the Government has failed to address this gap.

³³ See appendix E, for discussion of legislation relating to religion and belief.

4. Our Solution:

Secular and Inclusive Services



It is our firm view that no publicly-funded, comprehensive and statutory public service, to which all citizens have an entitlement, should be contracted out to a religious organisation.

Let us be clear: we are in no way objecting to religious people and organisations delivering services to the public but let them be, as largely now, additional to the statutory public services. Let them innovate, as with hospices; let them supplement, as with so many admirable schemes from soup kitchens to drug rehabilitation. Let them receive grants from public funds to enable them the better to deliver these services. If humanists regret the inclination of some religious people to work in their own separate religious organisations rather than alongside the rest of us in secular organisations, that is by the way: we still recognise the value of many of the services they provide.

But statutory services, to which we all have an entitlement, are different. We believe the arguments set out above are compelling: the risks of deterring take-up of services; of discrimination against employees of no or of another religion; of unfairly favourable career prospects for those of the 'right' religion; of discrimination against service users of no or of another religion; of discrimination against gays whether employees or service users; of religious harassment; of artificial boosting with public funds the prestige of religious organisations; of uneconomic duplication of services; of divisive effects on the community and so on. These vastly outweigh the asserted but unproven benefit of using religious bodies to deliver services.

However, if religious organisations are to be included in the supply and delivery of public services, the Government must take steps to address the problems that will inevitably arise. Below, we set out some essential steps, including legislation and contractual provisions, which would go some way to ensuring that users and employees suffered no discrimination or harassment and religious organisations enjoyed no special privileges.

5. Our Proposals



All our proposals are based on the premise that public services that are funded by the taxpayer and that every individual citizen has a right to access and receive, must be provided and distributed fairly and everyone must be treated equally. If adopted, our proposals below would ensure that organisations providing such services:

- could not discriminate between service users on grounds of ‘religion or belief’, or on any other grounds;
- would be required to respect the human rights of service users;
- would be required to have equality-based employment policies, so that no one is privileged for a position because of her/his religion or belief, her/his sexual orientation, or on any other irrelevant ground.

5.1 No discrimination in employment

We propose that, apart from in exceptional and essential circumstances³⁴, any organisation providing public services must be prohibited from discriminating against current or potential employees, on grounds of religion or belief, sexual orientation, or any other irrelevant grounds. Without changes to current legislation, religious organisations providing public services would be able to discriminate, with far-reaching and damaging repercussions for current employees, the quality of a service and wider social and economic equality.

Therefore, we propose:

- that the Employment Equality (Religion or Belief) Regulations 2003, and the Employment Equality (Sexual Orientation) Regulations 2003 be amended so that organisations are not allowed to discriminate in any ways relating to employment insofar as they are engaged in the delivery of publicly-funded public services;
- that if that proves impossible, or in the interim before the amendments are enacted, that all contracts for public service provision be drawn up in a way that makes it clear that exemptions for religious organisations do not apply to employment for the provision of these services, including where services are sub-contracted.

This would seek to ensure that no currently employed public sector worker be forced to choose between restricted employment opportunities and going against her/his beliefs, because the service in which s/he works has been contracted out to a religious organisation.

5.2 No discrimination in the provision of public services

We believe that all service users, of all faiths and none, should be treated on a fair and equal basis, and should never be discriminated against on grounds of religion or belief, sexual orientation, or any other basis. Services should, for example, be provided in inclusive and secular (that is, neutral) ways, in settings with no visible paraphernalia connected to any religion or belief, and under no circumstances where worship takes place. Importantly, services such as family planning and abortion, should not be restricted on the basis of religious doctrines or taboos.

³⁴ See p11 for an example

Therefore, we propose:

- that Part 2 of the Equality Act 2006 be amended to match the Equality Act (Sexual Orientation) Regulations 2003 so that the exemptions for religious groups from the ban on discrimination in the delivery of goods, facilities or services do not apply when organisations are engaged in such delivery on behalf of a public authority;
- that in the absence of anti-harassment provisions for religion or belief in law, contracts to specify delivery of services in religion and belief neutral – thereby inclusive – settings;
- that contracts specify the full range of services to be provided and that religious or conscientious objections must not be allowed to limit the availability of these services to the public.

5.3 Public authority status to be confirmed for providers of publicly funded public services

The limited meaning of ‘public authority’ established by the courts has left a serious gap in human rights protection for public service users.

Therefore we propose:

- that the Human Rights Act be amended as proposed in the Human Rights Act (Meaning of Public Authority) Bill introduced by Andrew Dismore MP on behalf of the Joint Committee on Human Rights;
- that, pending that legislation, contracts must include an obligation to comply with the HRA as though the supplier were a ‘public authority’ and to impose the like obligation on any subcontractors.

It must be noted that this contractual route is far from satisfactory, as it provides service users with no direct and enforceable rights, since their relationship with the service provider is not governed by the contract with the public authority statutorily charges with providing the service. Their only recourse would be to seek that the public (usually local) authority takes action under the contract.

5.4 No advantage for religious purposes

We consider it completely unacceptable for taxpayers’ money to be used to subsidise religious organisations.

Therefore we propose:

- that contracts specify that public money will be used only for the provision of services as contracted and expressly not for any religious purposes, with strict public accounting oversight to be maintained to ensure compliance;
- that there should be an end to any special channels of communication between religious organisations and Government that are not also available to secular organisations on an equal basis;
- that all assistance in contesting for contracts, funding and assistance for capacity building and so on, to be provided in an open and transparent manner with a view to enabling all applicants to compete on equal terms;
- that any assistance to third sector organisations (capacity-building grants, help in contesting for contracts etc) to be open to all, and not targeted specifically to religious organisations, to the apparent or actual exclusion of others.

6. Conclusion



The most inclusive public services would be provided in a secular way. This would ensure that all citizens, whatever their religious or non-religious beliefs, have equal rights to access and receive public services and would not face discrimination on grounds of their religion or belief, whichever organisation was supplying the service they were receiving. The most fair and inclusive public services would also not allow religious organisations providing services to discriminate in their employment practices, on grounds of religion or belief, sexual orientation, or any other irrelevant grounds. In fact, the risks associated with religious involvement in the provision of statutory public services are so varied, and cover so many crucial issues, that it is hard to see how religious organisations could be involved in providing public services in ways that would benefit society as a whole.

For all the reasons outlined in this report, we maintain that all organisations involved in the provision of statutory public services should be secular ones, but if religious ones are to be given contracts, they must operate in an inclusive, secular manner. We believe that the proposals we make here are the very minimum required to ensure that they do.

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Appendix A: About the British Humanist Association (BHA)



The British Humanist Association exists to support and represent people who seek to live good and responsible lives without religious or superstitious beliefs. It has a long history of concern for the common good and the development of an open and inclusive society, and of commitment to equality, human rights and social cohesion. It regularly participates in campaigns, working parties, committees and consultations (Government and other) on a range of issues that affect the interests of those it represents.

The BHA has always engaged fully with society, in different ways at different times according to our resources and the needs of non-religious people. We have a growing public affairs team, which works to identify and seek to address the disproportionate and growing influence and privilege of religion in, among other areas, Government, policy and public services. We take an interest wherever the needs of the non-religious are specifically involved, such as in developing single equality legislation, the new Equality and Human Rights Commission, and the recent cross-policy strands of social cohesion and integration. We work to ensure that children and young people receive an objective and open education, not least in areas such as religious education, citizenship education, and sex and relationships education. We provide a wide range of educational resources, and continue to campaign for an inclusive, school system where children of all faiths and none mix, integrate and learn together. We have begun a local development project, through which we aim to empower humanists at a local level to engage with equality bodies and networks, and with local authorities and to contribute to discourse on religion and belief at a grassroots level. We are currently the largest independent provider by far of non-religious ceremonies – mainly baby-namings, weddings and funerals – with our expanding scheme for training, accrediting and monitoring a national team of celebrants. In the UK, we sponsor the Humanist Philosophers' Group and maintain close links with the All Party Parliamentary Humanist Group; we also work within the European Humanist Federation and the International Humanist and Ethical Union to represent UK humanists.

The BHA's Approach to Public Services

At one time, the BHA founded and ran a housing association providing 'part 3' accommodation for elderly people and later a broader range of housing, providing for non-believers at a time when provision of such accommodation was largely in the hands of housing associations with religious foundations. For similar reasons, we started the Agnostics (later 'Independent') Adoption Society. Both organisations were merged with larger players in their fields when the need for special provision for the non-religious passed. It is dismaying to say the least, that a situation where there is a need for separatist provision of public services for non-believers may again be on the horizon; a situation where many public services are provided by religious organisations, which fail on a number of grounds to cater for and respect the needs of citizens of all faiths and none.

Fairly provided and fairly distributed public services of a good quality are an essential foundation of a healthy, happy, and good society. We believe that public services can promote the well-being of individual citizens and enhance their social capital, that their full availability is essential for full citizenship and equality for all, and equally essential for greater social cohesion. It is our core belief that, in order to be open to all citizens, organisations providing public services – whether public, private or from the third sector – must be inclusive in the way they operate and supply services for all individuals, of all faiths and none. This means they must be secular¹.

¹ For the definition of secularism on which this report is premised, see 'The Case for Secularism', by the Humanist Philosophers Group (BHA, 2007)

Underpinning the BHA's concern about these issues is a certain view of our society as a community of people working together for the common good, not just a collection of 'faith communities'. The BHA recognises the pluralist character of our multicultural society, and welcomes and celebrates the rich diversity of such a society. We support mutual toleration and respect for the rights of all to hold their own religious beliefs or to hold none at all. What we reject is the assumption that people's primary identity is to be found in their membership of a faith community – especially if that phrase is taken in its narrow sense to refer to organised religious groups – and we reject attempts to organise society on that assumption.

Many religious believers draw from their religion an additional motivation to contribute to wider society. They work to better the lot of others, to do what they can do to combat the evils of poverty, homelessness, drug addiction, and so on. That is to be welcomed. They do it in their own name, and those who stand to benefit from their good works can choose whether or not to do so. But when the Government asks religious groups to run public services, and thereby to act as representatives of the whole society, there is a worrying blurring of identities.

The BHA has very practical concerns about such proposals – that religious groups may, for instance, discriminate against certain sections of society in the provision of public services, and that religious groups delivering public services may use the role as an opportunity to promote their own religion, or at the very least to win a certain prestige for it. But even if those fears were to be totally allayed – and it is difficult to see how they could be – the concern remains. By the very fact of giving religious groups that role, the Government would be according them a special status. It would be making a statement about the nature of our society. It would be saying that religious groups can properly speak and act on behalf of the wider society. And for those of us – the clear majority of the British population – who adhere to no institutionalised religion, that would be forcing us into an identity which we do not wish to inhabit.

The final thing to be said about that view of society is that it is, in the end, divisive. The more the role of faith communities is emphasised, and the more people are corralled into such communities, the more we deepen the divisions between different sections of society. The experience of Northern Ireland should act as a warning – that if people are encouraged to identify themselves primarily as Catholics and Protestants, or whatever; those identities are liable to become self-perpetuating and to carry with them attitudes of distrust and enmity towards members of another religious group. To enhance the role of faith communities may look like a way of promoting community cohesion, but in the long run it is a recipe for fragmentation.

Appendix B: Religion and Belief in Britain



Britain is a largely non-religious country and becoming more so.

Census

At least 15.5% of the population is non-religious according to the 2001 Census, making this the second largest 'belief' group in the UK, being two-and-a-half times as numerous as all the non-Christian religions put together. This figure, however, is by any sensible reckoning far too low. First, the Office of National Statistics itself admits that the imprecision of the 'religion' question meant that many people, especially those with a loose (for example, merely cultural) affiliation to a religion, would have identified themselves as religious (particularly Christian), when they are not (ONS, 2004). Second, a large proportion of people who identified themselves as affiliated in some sense to a religion, in fact have no active involvement.

Church attendance

From 1851 to 2000 regular church attendance in the UK shrank from more than 50% of the population to less than 8% (Brierley, 2005). The current attendance stands at just 6.3% of the population (Christian Research, 2005).

British Social Attitudes Survey

The most recent British Social Attitudes survey found that over two-thirds of people (69%) either did not claim membership of a religion or said that they never attended a religious service, compared with 26% in 1964. The survey also found that, 'amongst those who do actually claim to belong to a religion, the proportion who attend a service regularly has been falling'. So, as well as the great increase in those with no religious identity, for those who do still claim a religious identity there has been a decline in commitment to their religion. In fact, the decline in religion is even more marked than the decline in political party identity (Park et al, 2007, p8-9).

Home Office Research Study

Home Office Research Study 274 found that only 20% of respondents considered their religious beliefs to be an important part of their self-identity (Home Office, 2004). This varied between different religious groups, particularly between Christians and other religious communities, where those affiliated to the Christian faith ranked religion seventh as important to their self-identity, after family, work, age/life-stage, interests, education and nationality (p19-20).

YouGov Survey

According to a YouGov survey in December 2004, 56% of British adults are either atheist or agnostic (YouGov, 2004).

ICM poll for *The Guardian*, December 2006 - sample 1,006 aged 18+interviewed by telephone

Religion is a cause of division and tension between people	82%
Religion is not a cause of division and tension between people	16%

Are you:-

- a religious person 33%
- not religious 63%

Harris poll for *Financial Times*, December 2006 of a weighted sample of 2,090 people in Great Britain questioned on-line

Do you believe that the Church and state should be kept separate in modern Europe?

• Yes	70%
• No	9%
• Not sure	21%

Ipsos MORI poll for British Humanist Association, October 2006

Respondents were asked: 'People often comment on the level of attention the Government pays to certain groups in society. Which, if any, of the following groups of people do you think the Government pays too much attention to?' and presented with a list of seven possibilities from which they could select up to three responses.

Responses were:	%
Leaders of other countries	44
Religious groups and leaders	42
Newspaper headlines	35
Big Business	34
The Royal Family	20
Trade Unions	17
Ordinary people	3
None of these	9

Poll for *BBC Heaven & Earth Show* (7 September 2003) of 1001 British adults, aged 16+

Q.1a From the following list, which two or three things, if any, have the most influence on your views or outlook on life?

• Your own experience of life	62%
• Your parents	56%
• Your education	30%
• Friends	26%
• Newspapers and TV	17%
• Religious teachings	17%
• Books	12%
• Politicians	3%
• Celebrities you admire	2%
• None	1%
• Don't know	1%

YouGov poll for Daily Telegraph (3505 adults aged 18+ throughout Britain online between 20th and 22nd July 2005)

Below is a list of phrases which might be used to describe or define Britain and what it is to be British. For each one, please indicate how important you think that word or phrase is in defining 'Britishness'.

The Church of England

- Very important 17 %
- Fairly important 28
- Not very important 29
- Not at all important 23
- Don't know 3

Marriages (ONS 4/2/2005)

	1991	2003
Religious	50.7%	32.2%
Civil	49.3%	67.8%

Survey of 13,000 young people by Revd Professor Leslie Francis and Revd Dr William Kay, Trinity College Carmarthen (Teenage Religion and Values, Gracewing, 1995).

61% of 14-16 year olds described themselves as atheist or agnostic.

Appendix C: Contracting Out Public Services



A system of contracting and subcontracting is a central feature of the Government's proposals for public service reform and, in some areas, is already in operation. Contracting is referred to and discussed a number of times and in different contexts throughout this report, and some of our proposals make recommendations regarding contractual stipulations to prevent, for example, discrimination by religious organisations. It is useful, therefore, to provide both an overview of the contracting process, and to discuss in more depth issues and problems relating to that process.

In short, private and third sector organisations become involved in the supply and provision of public services through contesting for and then being awarded a contract to provide a service on behalf of Government. The organisation is either a main contractor – where it has a direct contract with, for example, a local authority – or a subcontractor, which has a contract with the main contractor.

Contracts in place of legislation

We see contracts – however tight the stipulations are – as a poor second best to legislation for protecting employees and service users from discrimination, for promoting equality, and for protecting human rights – all of which may be especially necessary should the contractor be religious². A number of human rights and third sector organisations responded to a recent judgment in the Lords³, making clear that contracts simply cannot bridge the gaps in the coverage of legislation. This is very relevant not only in the context of the Human Rights Act 1998 (HRA) (which the judgment was related to) but also because of the exemptions in various anti-discrimination legislation that religious organisations are currently afforded⁴. The response from those human rights and third sector organisations notes that, 'despite guidelines on procurement, there is no guarantee that contractual terms relating to HRA compliance will be in place in every case where a breach may occur; nor that any existing contract terms will be enforceable by the care home resident as a matter of contract law' (Justice et al, 2007, p7).

It is the main contractors' responsibility both to stipulate the details of subcontracts and to monitor whether the subcontractors are fulfilling their contractual obligations and, in most cases, it would be the main contractor who would be held accountable for the way subcontractors operate. However, to the extent that religious suppliers become significant suppliers they will be in a position to disregard contractual provisions since there will be no ready alternative to them as suppliers, and the Government or local authority may be reluctant to penalise them.

Monitoring and accountability

In March, May and August 2007, we wrote to the Department for Work and Pensions (DWP), asking for assurances that organisations contracted to supply welfare services would not be able to discriminate in their employment or their service provision on grounds of religion or belief, or any other grounds. We were not reassured by the replies we received, not least because it remains unclear whether any stipulations promoting equality and preventing discrimination would apply to subcontractors. While the DWP would like subcontracts to 'as far as possible, mirror DWP's terms and conditions', they are not able to supply a copy of a subcontract as the 'DWP are not party to these contracts and therefore have no information available' (Flint, 2007).

² See appendices D, E, F and G

³ See appendix E, for details

⁴ See appendices D and E, for more information

At a DWP event in June 2007 for faith-based and other third sector organisations, officials remarked that once welfare-to-work services have been contracted out, the DWP does not monitor how public money given to provider organisations is used. This approach increases the risk of religious organisations using money for religious purposes and not specifically in relation to the service they are contracted to provide. DWP officials were also unable – again because of lack of monitoring of how contracted organisations operate in practice – to say how many welfare-to-work services are already provided in or through places of worship, such as churches. We have concerns regarding the provision of services in religious settings, for example that this may create a hostile environment for those who do not adhere to the same religion as the provider organisation. This would equally be the case if there were fewer main contractors and a large number of religious subcontractors.

Choice, equality and contracting

Specifically in terms of religious organisations winning contracts, there may be implications for both choice and equality. Whether there will be fewer main contractors and more subcontractors or vice versa will depend on the public service and area – and this can change. For example, currently the DWP has a very large number of main contractors but is changing the system to have far fewer main contractors and much greater numbers of subcontractors providing welfare-to-work services. Contracts directly with the Government are going to be made with large, established organisations, which have the resources, experience and capacity both to bid for contracts and provide services. Only 10% of registered faith-based charities have an income of over £200,000 and most of those are Christian; Christian Aid and the Salvation Army being two of the largest of all charities in the UK (NCVO, 2007). So, in an area where a service is provided primarily by main contractors which are religious, there will be no diversity in supply, but only one religious denomination and there will be little choice of an alternative provider.

Risk of ‘parallel services’

To add to the above concerns, there has been no mention that service users would be able to choose an alternative, inclusive secular provider, should it occur that public services in their area were provided by religious organisations. No requirement to give service users such choices have been alluded to in any domestic policy thus far. In American legislation⁵, if services are contracted out to a religious organisation in an area, there has to be an equivalent, inclusive secular organisation in that area, which current employees could choose as their new employer and service users switch to if they object to the religious organisation. However, to have this kind of provision in the UK is not desirable as it could lead easily to a pattern of parallel provision similar to that with schools in the UK⁶. Government might claim that needs arising in particular communities could be better addressed by religious organisations that it (and they) claim represent ‘their’ communities than by the Government itself.

⁵ See appendix I, for information on legislation in other jurisdictions.

⁶ See appendix G

But for many services – health, for example – it would be hugely inefficient to have overlapping and duplicated services. It would lead to unavoidable discrepancies in provision: different groups of people, demarcated irrelevantly by religion (which a Home Office study has shown is barely in the top ten features of their identity people would choose to characterise themselves⁷) relying on separate services.

Not only that, but (like the system of religious schools) it would put yet another unnecessary nail in the coffin of an integrated, cohesive community. We are already on the brink of having parallel Anglican, Catholic, Muslim and other religious school systems and should have learnt the lesson of how this approach is at the least damaging to social cohesion and exacerbates inequalities (e.g. *ippr*, 2007). Yet, with the specific and deliberate inclusion of religious organisations as public service providers, where they are seen and treated as different and distinctive, we might be about to divide society again with “separate but equal” public services – health, employment, etc – for different religious groups. And discrepancies in levels of service would exacerbate ill-feeling between religiously (and hence often ethnically) defined groups.

Not only would this be socially divisive, it would also drive people to stay even more within their own religious groups. Even those seeking to separate themselves from their religious affiliation would be driven back in order to access services from the right organisations.

In any case, for practical reasons most public service contracts will have to be awarded to large organisations. But almost all these – and certainly the largest, such as the Church of England and the Salvation Army – are Christian. So it would seem more than likely that by this policy the Government will end up privileging larger, Christian organisations over other non-Christian religious organisations. This would help neither social cohesion nor inter-community relations⁸.

⁷ See p25

⁸ We can see some virtue in using smaller, community-based organisations to deliver services if, in some circumstances, they may be better placed to assist the most disadvantaged and hard-to-reach groups. However, even then, secular rather than religious groups would be preferable due to the heterogeneity of beliefs in any group and the risk of defining specific groups and individuals as religious, with specific needs arising from that identity, when they are not. Moreover, religion can be an oppressive agent, particularly for women, and accessing public services is one way for women to gain a measure of independence.

Appendix D: UK Employment Law: Discrimination by Religious Organisations



UK employment law allows religious organisations to discriminate on grounds of religion or belief in certain circumstances by discriminating against potential or current employees because of their religion or non-religious beliefs. They may also discriminate, in certain circumstances, because a potential or actual employee's (actual or perceived) sexual orientation is not seen as acceptable by the religious doctrine of the organisation.

Although there is no research available at present that details how many organisations have used these exemptions, there is anecdotal evidence that religious organisations have actually discriminated more in terms of employment on the ground of religion or belief, since this legislation was passed. In 2003 Faithworks, an umbrella Christian organisation, produced guidelines for religious employers, which advises Christian organisations how to ensure that they are within the law when they discriminate in their employment policies. For example, it describes the ways in which an organisation can demonstrate that it has a specifically religious ethos, which is a necessary requirement in order to claim a 'genuine occupational requirement' when recruiting for a position. This DTI-funded guidance includes advice on how even a coffee shop manager post can be reserved for a Christian. Separate versions of this guidance were produced for the other main religions and are used by various religious bodies, such as the Muslim Council of Britain (e.g. MCB, 2005).

A summary of legislation

Employment Equality (Religion or Belief) Regulations 2003: Regulations 6 and 7

If being of a particular religion or belief is a 'genuine and determining occupational requirement' for a job and it is 'proportionate to apply that requirement' then **any employer** may discriminate against potential applicants for jobs on grounds of religion or belief in the arrangements they make for the purpose of determining to whom they should offer the job, by refusing to offer, or deliberately not offering, someone the job. They may also discriminate against current employees in the opportunities which they afford her/him for promotion, a transfer, training, or any other benefit and by refusing to afford her/him, or deliberately not affording her/him, any such opportunity. They can also discriminate against current employees by dismissing them.

Employers that have an 'ethos based on religion or belief' only need to show that there is a 'genuine occupational requirement' in order to discriminate in these ways.

This particular area of the Employment Equality Regulations 2003 is problematic for a number of reasons. The wording is relatively vague, allowing wide interpretation of what is or is not a genuine religious requirement for a job (hence the anecdotal evidence that the number of organisations that discriminate is increasing) and when it would be 'proportionate' to enact that requirement. This increases the number of positions in religious organisations which many are unable to apply for. The situation for current employees is even more concerning in a way – not only can they be penalised and discriminated against in the workplace because they hold a different 'belief' to that of their employer, they can be fired on those grounds. There do seem to be many opportunities for abuse of this special allowance in the equality legislation.

It is uncertain whether, if increasing numbers of organisations with an expressly religious ethos supply public services on behalf of the Government, they will be able to use the genuine occupational requirement for staff delivering those services, but there are certainly publicly-funded service providers using the genuine occupational requirement to discriminate in their employment practices. Less than 7% of the population are 'active' Christians (Brierley, 2005), and not 72% as might be inferred from the 2001 Census⁹. If, for example, an evangelical Christian organisation discriminates in its employment, the potential pool of recruits from which it is able to draw is very small indeed.

Employment Equality (Sexual Orientation) Regulations 2003: regulations 6 and 7

If the **employment is for 'purposes of an organised religion'**, the employer may, 'so as to comply with the doctrines of the religion' or 'because of the nature of the employment and the context in which it is carried out...to avoid conflicting with the strongly held religious convictions of a significant number of the religion's followers', may discriminate against potential applicants for jobs on grounds of sexual orientation in the arrangements they make for the purpose of determining to whom they should offer the job, by refusing to offer, or deliberately not offering, someone the job. They may also discriminate against current employees in the opportunities which they afford her/him for promotion, a transfer, training, or any other benefit and by refusing to afford her/him, or deliberately not affording her/him, any such opportunity. They can also discriminate against current employees by dismissing them.

The same issues as above apply to these exemptions from the employment equality laws. In the case of religious schools, which have exemptions under the Education and Inspections Act 2006, employers are able to discriminate on perceived personal 'moral' behaviour of the employee, for example if a male head teacher lives with his male partner (ATL, 2007). It may be the case that similar discrimination occurs within other organisations with a religious ethos.

⁹ See appendix B, for more details

Appendix E: UK Equalities and Human Rights: the Position of Service Users



The human rights and right to equality of those receiving public services directly from a public authority, such as a local authority or NHS trust, are protected by law. However, those who receive services from organisations which are contracted to provide statutory public services may not be protected in the same ways. It is, therefore, a matter of chance as to whether the rights of any given service user are guaranteed by law or not.

Current Legislation: A Summary

Meaning of public authority under the Human Rights Act (HRA) 1998

'The HRA makes it unlawful for "public authorities" to act in breach of Convention rights. The HRA does not define "public authority" but the duty to act in a Convention compatible way applies to "pure" public authorities, such as central government departments and local authorities, and to "any person certain of whose functions are functions of a public nature".'

Our domestic courts have adopted a more restrictive interpretation of the meaning of public authority, potentially depriving numerous, often vulnerable, people such as those placed by local authorities in long term care in private care homes or living in accommodation rented from registered social landlords, from the protection afforded by the HRA' (JCHR, 2007, p2).

The interpretation of 'public function' adopted by the courts is understood by the Joint Committee on Human Rights (JCHR) to be highly problematic – it is very narrow and, currently, is unlikely to apply to private or third sector organisations providing services such as social care or social housing. The JCHR argues that this narrow interpretation has led to a serious theoretical and practical gap, leaving some of the most vulnerable people without avenues for redress when their Convention rights are breached (JCHR, 2007, p3-4).

If, for example, a nursing home is not considered to be a public authority, it is exempt from the obligation under the HRA for such authorities not to act incompatibly with Convention rights. 'It may introduce policies that discriminate on grounds of "religion or belief" (e.g. preference in accepting clients, sabbatarian rules or eviction of atheists), being limited only by discrimination law. This is equally true of those other services increasingly provided not directly by the state but by state-funded religious groups.' (BHA, 2006)

The Government was set to intervene in test cases in the House of Lords, which scrutinised decisions by the Court of Appeal which did not define certain care homes as public authorities. However, on 20th June 2007, in the case of *YL v Birmingham City Council and others*, the Law Lords overruled the appeal, thus effectively preserving the narrow interpretation of 'public authority' through finding that 'a private care home providing accommodation to elderly residents under contract with a local authority was not itself exercising "functions of a public nature" for the purposes of the Human Rights Act 1998. Consequently, the care home was not bound under section 6(1) of the HRA to act in accordance with rights protected by the European Convention on Human Rights' (Justice et al, 2007, p2).

The Justice et al (2007) response to the YL judgment remarks that there was a concern that, if the appeal had been allowed, then the boundaries of the HRA would be drawn too wide and, 'in particular, that this might undermine the contracting out of services' (Justice et al, 2007, p5). Importantly, it is emphasised throughout that response that contract law is not, and cannot, be a good enough substitute for being covered by the HRA, however strict the guidelines and contractual stipulations.

Through passing the HRA, the Government's desire was to promote a human rights culture, rather than a narrow, litigious understanding and use of such rights in civil society, which is why it wanted to intervene in these test cases. However, the Government is also concerned about the possibility of 'market flight' – that commercial and charitable organisations will not wish to provide services if they will come under the auspices of the HRA. This worry seems, by and large, to be unfounded. However, some religious organisations, such as the Evangelical Alliance, have stated expressly that they would not wish third sector Christian service providers to be termed, legally, as 'public authorities', as this would encroach on their independence and restrict the ways in which they were able to promote their religious ethos (Evangelical Alliance, 2006). Also concerned to preserve its status is the Salvation Army, which states in its memorandum to the JCHR, that 'whilst it is appropriate for the state to be religiously neutral, this is impossible for an organisation such as The Salvation Army, which delivers its services as a direct outworking of the Christian faith' (Salvation Army, 2006).

Equality Act (Sexual Orientation) Regulations 2007 (SORs): regulation 14

It is specifically laid out in these regulations that a religious organisation performing a public function cannot discriminate on grounds of sexual orientation. In fact, this is the only part of the Equality Act without wide and numerous exemptions, particularly for religious organisations.

Part 2 of the Equality Act 2006

This legislation has a number of clauses exempting religious organisations from duties not to discriminate in the provision of goods, facilities or services.

Clause 57

An organisation which is set up 'to practice a religion or belief, advance a religion or belief, teach the practice or principles of a religion or belief, enable persons of a religion or belief to receive any benefit, or to engage in any activity, within the framework of that religion or belief or improve relations, or maintain good relations, between persons of different religions or beliefs' may discriminate on grounds of religion or belief to restrict membership of the organisation, restrict participation in activities undertaken by the organisation or on its behalf or under its auspices, restrict the provision of goods, facilities or services in the course of activities undertaken by the organisation or on its behalf or under its auspices, and restrict the use or disposal of premises owned or controlled by the organisation if the discrimination is by reason of or on the grounds of the purpose of the organisation or to avoid causing offence, on grounds of the religion or belief to which the organisation relates, to persons of that religion or belief.

Clause 58

A charity may provide benefits only to persons of a particular religion or belief if the provision is in pursuance of a charitable instrument and the restriction of benefits to persons of that religion or belief is imposed by reason of or on the grounds of the provisions of the charitable instrument.

A charity may discriminate in its actions if the discrimination is expedient in the interests of the charity, having regard to the provisions of the charitable instrument.

Clause 60

A charity may require members, or those wishing to become members to make a statement which asserts or implies membership or acceptance of a religion or belief if the making of a statement has been a requirement since before 18 May 2005 and the requirement has not since ceased to be imposed.

Prohibition of Harassment

The prohibition of harassment was excised from Part 2 of the Equality Bill in the House of Lords. This has left a gap in equalities law, which denies protection to those harassed on grounds of religion or belief, except in the workplace or vocational training. Harassment could include bullying, proselytising by religious staff and being required to receive services in buildings steeped with religious symbolism or coerced into participating (actively or passively) in religious practices when accessing a service. In particular, it is important that public authorities are prohibited from harassing individuals on grounds of religion or belief – complaints from parents whose children have experienced such harassment in schools are frequently received by the BHA and other bodies. Likewise, in prisons or in health and care services, where audiences are ‘captive’ and cannot easily find another provider, it should not be permitted to harass on any grounds. If religious charities or organisations increasingly provide such services under contract, the incidence of harassment, often of very vulnerable people, on religion or belief grounds will increase. This is even more likely to occur when religious organisations recruit only those individuals who actively practice a certain religion and who feel themselves motivated by their religious convictions¹⁰.

¹⁰ See appendix D for discussion of the exemptions that religious employers have from employment equality regulations

Appendix F: Lessons from Current Practice



The sections below provide a broader context for the provision of public services by religious organisations in the UK. First, recent actions by the Government to increase the involvement of and to support religious organisations in public services are discussed, followed by what such organisations may want and what is already happening. Then a few examples of current practice are provided, which aim to highlight some of the problems associated with provision of public services by and through religious organisations.

Why the Government should be seemingly so keen to promote 'religion' and bolster the public position of religious organisations is not clear. If it is to increase diversity in the supply of public services in order to meet the preference of individuals, then just a glance at how such 'diversity' in the school system has failed to do this, together with the fact that most individuals and communities are actually becoming less religious, if they are religious at all¹¹, quickly refutes that position. If it is because organisations with a religious ethos, and religiously motivated individuals, have some sort of superior ability when compared to inclusive secular organisations and non-religiously motivated individuals to provide public services, then this is clearly an unfounded and rather insulting position, not least to those qualified and experienced non-religious people actually involved in providing essential services to the population. Whatever the reasons given to suggest that religious organisations should receive taxpayers' money to provide statutory public services, they seem to be based on dogma and not evidence. Yet the problems, such as discriminatory employment practices, which are common to the provision of public services through religious organisations are increasingly more apparent and will occur more and more, the more such organisations are included in the supply of services.

Assisting faith-based organisations

As part of the Government's programme of public service reform, religious organisations are being given increasing opportunities and assistance, enabling them to take a more central and established role in the provision of services on behalf of the state. For example:

The DWP is establishing a centre of expertise – and held a number of events in June 2007 – particularly for faith-based organisations, to encourage them to become welfare-to-work providers.

In May 2006 the Communities and Local Government Department (CLG) was established, with a vision to build the capacity of different communities to shape their own futures, in order to empower citizens, build cohesion, increase political participation at the local level and to increase choice and quality of public services (CLG, undated).

CLG has a Race, Cohesion and Faith Directorate which gives funding to the Inter Faith Network and sponsors a Faith Communities Consultative Council. The Council is successor to a Home Office working group from which ministers deliberately excluded humanists and whose report 'Working Together' (Home Office, 2004a), was heavily biased towards religion, being (among other things) the origin of the grants Government gives to encourage and enable faith communities 'to play a fuller part in civil society and community cohesion' (CDF, 2005).

For this purpose, CLG commissions the Community Development Foundation (CDF), a non-departmental public body, to run and administer the Faith Communities Capacity Building Fund (FCCBF), which supports 'faith and interfaith organisations to strengthen their capacity' (CDF, undated).

¹¹ See appendices B and G, for demographic information and details of the education system respectively

CLG is also funding a new Faith and Social Cohesion Unit within the Charity Commission, to work with and support religious charities, strengthening their governance and accountability, and helping to tackle extremism. The Unit will initially work primarily with Muslim charities and communities; work with other faith communities will follow at a later stage (GNN, 2007).

These are in addition to a number of other initiatives targeted specifically towards religious organisations and 'faith communities'. The Government clearly envisions a specific and important role for 'faith' in the future of public services

What organisations want and what they are doing (UK)

One of the critical areas which the Government has not so far addressed is that of legislative exemptions that faith-based organisations may wish to have if they were to become publicly-funded suppliers of public services. There is considerable evidence that religious organisations already providing services in the UK want and have exemptions from legislation, such as equality laws. Religious groups and spokespersons are also increasingly vocal about their reservations about becoming service providers, should they not be granted some exemptions, for reasons of conscience or the right to manifest their religion or belief. It is difficult to predict what the Government's response to this will be, as the current position in regard to various legislation is mixed. Recently, it was decided that there could not be religious exemptions in terms of the provision of goods and services on the basis of the recipients' sexual orientation. However, other legislation, such as the 2003 Employment Equality Regulations, do have provisions for exemptions on religious grounds in some circumstances.

However, in response to two parliamentary questions by Dr. Evan Harris MP regarding the role of religious organisations in the provision of public services in early 2007, the then Leader of the House Rt. Hon Jack Straw MP did not clarify that such organisations would not be allowed to discriminate against, proselytise or harass employees or clients:

House of Commons - 25th January 2007

Dr. Evan Harris (Oxford, West and Abingdon) (LD): Is not it time for a debate on the role of religious organisations when carrying out public functions? While I hope that we all accept that religious organisations are capable of doing good work in the provision of public and welfare services, surely if the Government simply said that when in receipt of public funds or under public organisation those organisations should provide such services without discriminating against clients and employees and without proselytising, we could settle the matter once and for all and have clarity. The Government might thereby avoid the unfortunate mess from which I hope that they will extract themselves soon.

Mr. Straw: I do not mind having a debate on the issue. We had a pretty intensive debate during the passage of the Human Rights Act, and I agreed to amendments to try to accommodate the position of religious organisations, particularly the Christian Churches. Without referring to the current controversy, I know that the hon. Gentleman is a secularist, and I respect his views, but his is not the position of the vast majority of this country, 70 per cent. of whom declared themselves to be Christian in the 2001 census, and there are many who subscribe to other religions. He is against faith schools; I am not. We have a long tradition of faith schools in this country. His position, which is partly the Liberal Democrat position, is not ours. I am happy, however, to debate all of that.

House of Commons - 1st February 2007

Dr. Evan Harris (Oxford, West and Abingdon) (LD): I hope that the House would agree, Mr. Speaker, that the private religious views of yourself, myself, the Secretary of State for Communities and Local Government, and even the Leader of the House, are not and should not be material to Government policy. If the Leader of the House accepts that, may I put to him again the question that I put to him last week? Can we have a debate on the role of religious organisations in delivering public services, with particular regard to whether it would be sensible for them to agree not to discriminate against service receivers or their employees, or to proselytise or harass when delivering welfare, social and other public services, after which they can make their contribution?

Mr. Straw: As I said last week, I greatly respect the hon. Gentleman's views, if I do not altogether share them. There are plenty of occasions on which he can raise this matter. For example, the issue of faith schools, and whether their head teachers should be required to adhere to that faith, is regularly debated in this House. As a liberal western democracy, we should absolutely respect people's right to hold, or not to hold, religious opinions. At the same time, most of us believe that we should take account of our country's history and the important contribution that faith groups make, not only to private worship but to public services. These replies are concerning. Any publicly-funded organisation should be regulated by equality, non-discrimination and human rights laws, with any exemptions granted only in very specific and justifiable circumstances. This would be particularly relevant in their employment policies.

What's already happening?

There are many examples of contracts to provide public services being awarded to religious organisations already.

All of Wyre Borough Council's leisure centres and swimming pools are operated by Fylde Coast YMCA (Wyre B. C., undated), which has Christians 'at its heart' and which lists 'to be a caring community who overtly seeks to fulfil the Christian Aims and purposes of the Y.M.C.A.' (YMCA, undated) as one of its core values.

Pecan, an evangelical Christian charity working with disadvantaged people, has had contracts with the New Deal and currently works in partnership with several government departments and agencies to deliver its WorkOut project, which helps ex-offenders into employment. While Pecan's equal opportunities policy is clear that they are committed to non-discrimination on any grounds in terms of their service users, the same policy states that, 'There is a Genuine Occupational Requirement exemption applied to employees to maintain Pecan's Christian distinctiveness to serve the aims and objectives of the charity' (Pecan, undated a). Further, Pecan states that, 'We are an evangelical organisation, and to retain our spiritual vision and unique approach we feel it is essential that all Board Members, employees, and volunteers be in agreement with our fundamental beliefs' and that signing a contract with them is taken as indication of assent to the Evangelical Alliance Basis of Faith doctrine (Pecan, undated). To reiterate this organisation (like many others), which receives state funding and is contracted to provide some vital public services on behalf of the state, **discriminates on the grounds of religion or belief for every position** – members, volunteers and paid employees must be 'active' evangelical Christians. In Pecan's Annual Review 2006, the CEO remarks, 'As the Government continues to put more public services through the Voluntary and Private Sectors one of Pecan's aims is to make these services available at a local community level, especially through churches' (Pecan, 2007, p4).

While there is little academic, political or other research into the area of religious organisations who are acting on behalf of the state in the provision of services, the examples referred to here are part of growing evidence that some religious employers have discriminated and continue to discriminate in their employment practices. The use of 'legal discrimination' on grounds of religion or belief may actually be increasing, since the special clauses in the Employment Equality Regulations 2003 and in the Education and Inspections Act 2006.

Crossreach, Scotland

In Scotland, Crossreach is one of the leading social care charities in Scotland and is part of the Church of Scotland. It employs more than 2000 staff and has an annual expenditure over £45 million, of which less than 1% of their funding comes from Church of Scotland, with the vast majority coming from local authorities (Crossreach, 2007a).

Crossreach openly discriminates in its employment policies. For most paid positions with the organisations, it is a requirement that the applicant must have and show a 'Christian commitment' and be able to uphold Crossreach's Christian ethos. For all positions, candidates must have sympathy to the ethos. These requirements are allowed, they say, because they fall under the Genuine Occupational Requirement as stipulated under the Employment Equality (Religion and Belief) Regulations 2003.

Currently – in terms of the advertised jobs on their website¹² - every single one of them required the Christian commitment – and these were varied jobs such as in care homes and as addiction workers. It is not clear whether the organisation requires service users to conform in any way to the Christian ethos, although at least one of their services is provided in churches. For staff to have to have at the minimum a 'sympathy' with their Christian ethos, however, does imply that there is something Christian about the way the services are delivered.

Crossreach is currently having significant problems recruiting staff, particularly within rural and high income areas (Crossreach, 2007, p28). It is possible that some of these problems occur because of its restrictive employment policy – this is certainly the case with faith schools which seek to recruit staff who follow the religion of the school.

Worryingly, a recent report by an influential group of Church of Scotland Ministers has found that the Church is institutionally homophobic, with clergy and congregations being 'sinfully intolerant of gays and lesbians' in their ranks (Ekklesia, 2007). With Crossreach being the social care arm of the Church, and in light of its restrictive employment policies, this report casts doubt on the suitability of the organisation to both be in receipt of public funds and to provide services on a non-discriminatory basis.

As Crossreach is one of the biggest suppliers of social services in Scotland, it could be an example of what would happen in practical terms in England and Wales if such services are contracted out to faith-based organisations on a large scale.

¹² Correct on 17/04/07

The National Offender Management Service (NOMS)

The Offender Management Act 2007 essentially proposes to abolish the National Probation Service and replace it with a competitive market. Like other public services, NOMS has introduced commissioning and is extending contestability (Home Office, 2006). Many prisons already have private sector involvement in their management. Indeed, there are currently eleven, contracted-out, 'private prisons' in England and Wales (HM Prison Service, undated). More than 1100 providers working with offenders are already funded by NOMS. NOMS is extending the range and number of providers from the private, voluntary and community sectors, to help deliver services 'to punish, support and reform offenders' (NOMS, 2007). Under the Act, there is a specific commitment that 10% of tenders will go to the third sector (Warrell, 2007), opening the door even more widely to the inclusion of religion in the punishment and rehabilitation of offenders, inside and outside of prisons.

Religious involvement in prisons and probation

One of the most notable characteristics about the UK prison population is that the number of inmates with 'no religion' 'consistently outstrips growth among any other group in each year', with this group more than doubling in size between 1993 and 2000 (Guessous, Hooper and Moorthy, 2001). This is unsurprising in the light of the continuing secularisation of the UK population. In fact, for the first time, in June 2005 those with 'no religion' accounted for the largest religion and belief group, making up 33% of the prison population, with Anglicans accounting for 32% (Home Office, 2006a).

Despite this, there are already around 460 religious organisations active in UK prisons (CCJF, undated), some who already receive considerable funding from the public purse. For example, the Prison Advice and Care Trust's (pact) major funder is the Prison Service, which provided over 55% of its funds in the year to 31 March 2006 (pact, 2006, p 11).

A Faith and Voluntary Sector Alliance (often shortened to 'Faith Alliance' (HM Prison Service, 2007)) was established to encourage greater involvement from voluntary and faith organisations in reducing re-offending (Home Office, 2006). This Alliance aims to 'build on the innovative practical and spiritual help that can be provided by VCS/Faith groups working with offenders in prison, following release and with offenders subject to community orders' (NOMS, 2007). With full ministerial support (HM Prison Service 2007), faith groups and chaplaincy teams (inside prisons and in the community) are increasingly involved in the rehabilitation of offenders, with additional and specific help given to those on a 'faith journey' (CCJF and pact, 2006, p 19)¹³. NOMS also supports the annual faith-based Prisons Week, which emphasises the need to pray for prisoners, prisoners' families, victims of crime and those who work in the criminal justice system.

¹³ This booklet was produced with Home Office funding

Despite a move towards 'multi-faith' working, such as in prison chaplaincy (which, incidentally, excludes those with non-religious beliefs who make up the largest and fastest growing group in the prison population), and the idea of contracting out offender management provision to various religious organisations, discussions regarding the growing religious diversity in prisons are misplaced. In fact, these discussions are 'almost entirely about the disproportionate expansion of the Muslim category' (Beckford and Gillat, 1998), and not, therefore, about the growing religiosity and/or diversity in religious beliefs amongst prisoners.

If parts of the prison and probation services were run by religious organisations, and given that the non-religious are already discriminated against in prisons¹⁴, it seems unlikely that non-religious offenders would have equal access to the same resources and opportunities as those who profess a 'faith' or, indeed, those who were converted while in prison.

As partners religious organisations remain under state control, but if they are awarded contracts directly to manage offenders, in prisons or in the community, this would effectively legitimate religion as an authority in the criminal justice system.

¹⁴The Home Office / Ministry of Justice / Prison Service have continued to refuse to fund humanist chaplains in prisons, who are needed to address the spiritual needs etc of prisoners and their families, while increasing multi-faith chaplaincies are funded by the taxpayer

Appendix G: Lessons from Current Practice: Education



The British schools system in particular is a model which other public services may follow, given the Government's desire to increase greatly the role of faith-based organisations in other public services.

The Government is using language to promote the provision of public services through religious organisations similar to that it uses in relation to faith schools, such as 'diversity', 'choice' and 'individualisation'. Education is a core public service and is one which has, particularly in recent years, been marketised. It is Government policy to allow private and third sector organisations to contest for the right to build and run such schools, 'supplying' education which remains fully funded by the public purse. It is this policy which has meant that academy schools, for example, continue to become more numerous.

Increasingly, the Government sees religious organisations as being distinctive in certain ways and thus often affords them different treatment to non-religious organisations, despite the fact that there is little evidence to support this distinction (NCVO, 2007). The Government distinguishes between 'faith-based organisations' and 'other' third sector organisations in the way it approaches and develops policy in relation to public services, rather as it does in the education sector. For example, it particularly encourages the growth in number and scope of faith schools. While the majority of faith schools are run by the Church of England and other Christian denominations, there are increasing numbers of new, state-funded, schools with other religious characters, such as Muslim and Jewish schools – this is a deliberate policy pursued in the name of fairness and equality (see, e.g., DCSF, 2007).

It is often argued, as has been the case in public service reform policy (e.g. HM Government, 2007), that increased diversity in supply naturally leads to increased choice and a personalisation of services, 'individualised' to the needs of the service user – i.e. school pupils, patients, jobseekers and so on. However, even a cursory glance at the increasingly sectarian schools system, shows how easily these claims can be refuted when there is religious involvement in the name of choice and diversity.

Choice and personalisation

It has been shown time and again, that far from increasing choice through diversity in supply, faith schools actually decrease parental choice. Unsurprisingly, given the increasingly non-religious society we live in and the fact that many, of course, would prefer their children to attend an inclusive school where they would receive a comprehensive and objective education, and not one based on a narrow, subjective religious doctrine. This is a major reason why most parents do not want to send their children to faith schools but prefer to send them to inclusive, non-selective community schools. The increase in new faith schools being built, and the replacement of failing comprehensive schools with faith schools, has led to a situation whereby, in some areas, parents do not have the 'choice' not to send their children to a faith school.

This is compounded for some by the inability to send their children to a preferred school outside of their locality. Under the Equality Act 2006, while local authorities are not obliged to provide free or subsidised transport to take children to a preferred school, a preference based on religion or belief is given more weight. So, in theory, an application made to a local authority for free transport to a faith school outside the locality for religious reasons would be given more consideration than one which was made on the basis that the local community school was failing and the parents wished to send their child to a better-performing community school outside the locality. This is clearly preferential treatment on the basis of religion or belief.

For public services provided by religious organisations, there could be similar issues as those outlined above if such organisations get a monopoly on the provision of services. Moreover, as is the case with faith schools, it is likely that the majority of those religious organisations would be Christian, given that the main contracts would be with the larger, longer established organisations, such as The Salvation Army (ranked 7th in the top 500 fundraising charities) and Christian Aid (ranked 14th in the same list) (NCVO, 2007, p16). If this is the case, then the argument from diversity for including religious organisations in the provision of public services falls apart as soon as it is made.

‘Moral’ values through a religious ethos

It is argued by proponents of faith schools, as well as some Government ministers and Departments (e.g. Blears, 2007), that faith schools, through their religious ethos, instil moral and ethical values to their students, which in turn may aid community cohesion and so on. Indeed, *Faith in the System* (DCSF, 2007), a joint publication between the Government and various religious organisations, endorses, without criticism, the ‘positive’ contribution schools with a religious character make to education and English society in general¹⁵. Yet there is much evidence that, rather than providing objective, impartial education in many areas, faith schools actually have ‘exclusive and discriminatory philosophies’ (*Times Online*, 2007). Further, surveys regularly report that over three-quarters of the population do not support having state-funded faith schools, which now account for a third of all state schools¹⁶. It should not be the aim of a publicly-funded public service to promote or enforce a particular religious ethos on its users.

Recent debates on the ways faith schools operate have also highlighted the problems of harassment, which may well occur in other public services provided by religious organisations¹⁷, particularly if, like faith schools, they discriminate in their employment practices to ensure only those with particular and strong beliefs are employed. For example, in 2007 the House of Commons Education and Skills Committee recommended that Catholic schools be forced to implement policies against homophobic bullying; implementation of which continues to be rejected by both Roman Catholic school leaders and leaders of the Roman Catholic Church, such as Archbishop Vincent Nichols (*Guardian Unlimited*, 2007; *Telegraph*, 2006). This type of harassment is particularly rife in Catholic schools, yet it is those schools which protest their right to teach the anti-gay doctrines of their religion; their right to not remain ‘neutral’ over issues of sexuality. This stance clearly contributes to the climate of acceptability in such schools of penalising children and young people because of their (perceived) sexual orientation. If this occurs in Catholic-run schools, what would be the difference in Catholic-run hospitals, or Catholic-run prison services? It is quite clear that diversity in supply should not be based on the desire and ability of religious organisations to provide a different service to different client groups.

¹⁵ This document was produced after behind-closed-doors consultation between the Government and religious groups, not all of whom are actually providers of faith schools, suggesting that the Government sees the publicly-funded faith schools and their proposed expansion as a matter of concern only to religious authorities, and not to everyone in the population

¹⁶ See appendix H, for more details

¹⁷ See appendix E, for discussion of the exclusion of anti-harassment provisions in part 2 of the Equality Act

Contribute positively to social cohesion and integration

While some faith schools contribute positively to the aims of social cohesion and integration, this would be true of any school truly committed – through ethos and resources – to such aims. Faith schools divide pupils and staff on religious grounds, a fact which is clearly antithetical to the meaning of cohesion. Communities do not exist in isolation: all communities are heterogeneous, fluid and changing and, crucially, distinguished by a number of identity markers. To have public services, such as education, which seek to serve and employ only a select number of individuals from any given community cannot fail to be anything other than divisive, to the detriment, therefore, of every individual.

Faith schools are allowed by law to discriminate in terms of admissions and employment on the grounds of religion or belief and many state-funded faith schools do so. If this desire and ability is already entrenched in the education system, it may well be the case that it will be desired and enabled in other public services, as more and more faith-based organisations are allowed to supply services. This has the potential, therefore, to damage further efforts to bring diverse individuals and communities together and integrate different sections of society more fully.

Quality of service provision

It is important to note that some faith schools which enact discriminatory employment policies are having difficulties in recruiting staff, particularly head teachers (Education Data Surveys, 2007). The preservation of a religious ‘ethos’ through the recruitment only of staff who profess to follow that same religion can be detrimental for students, who may not be getting the best teachers, and for many teachers, who are simply not able to work in certain schools because they do not follow the ‘right’ faith, have no religion, or do not wish to have their personal beliefs taken into account as a measure of how they might perform in their jobs as professionals. Indeed, ‘For headteacher positions, not only must the pool of candidates be of the same religion as the faith school but they must also fit within certain parameters of personal behaviour; for example, practising Catholics can be ruled out if they have chosen to live with their partner before marriage, been divorced or are openly gay’ (ATL, 2007).

It is quite possible that religious organisations providing public services, which too are allowed to discriminate on grounds of religion or belief in employment, may have similar problems in recruiting staff¹⁸.

So, just as faith schools can actually damage cohesion and integration, so too could separatist public services, if they draw staff only from certain communities and not primarily on the basis of suitability, experience and qualifications. And there are other ways such divisive policies can have a negative impact on social cohesion and integration. The final report from the Commission on Integration and Cohesion (COIC, 2007) describes how the majority of people already perceive public services to be delivered unequally and unfairly, with some groups and individuals getting priority over others in the receipt of services. There is the same perception and reality (with highly selective admissions policies) with faith schools, and to pursue a policy whereby religious organisations are included in the provision of public services would surely increase the perceptions of unfairness and inequality, not alleviate them.

¹⁸ See appendix F, for a short case study on Crossreach, which is currently experiencing difficulties recruiting specifically Christian staff

Appendix H: Faith Schools: Research and Reports, Polls, Survey, and Figures



Research by Anne West and Hazel Pennell from the London Schools of Economic and Political Science (LSE), commissioned by the Research and Information on State Education Trust (RISE). *Parents in the Driving Seat? Parents' Role in Setting Up New Secondary Schools.* March 2007

Campaigns against new schools (p4)

Campaigners against the eight new schools were, in the main, parents whose children were attending schools threatened with closure. The planned closures were associated with proposals for new schools. In seven out of the eight campaigns, the proposed new school was an academy. This was nearly always of concern to campaigners, particularly where a faith-based academy was proposed to replace a community school.

Conclusions – Type of school (p5)

Nearly all of the campaigns for a new school wanted or assumed that the new school would be a community not a religious school. There was a concern that faith-based schools were replacing non-faith schools. There is a case for a debate on this issue, given that choice for parents who want a school without a particular religious focus/sponsor could diminish.

Mirza, M., Senthikumar, A. and Ja'far, Z. (2007) *Living apart together. British Muslims and the paradox of multiculturalism.* London: Policy Exchange

60% of Muslims would prefer to send their children to a mixed state school, compared to 35% who would prefer to send their child to an Islamic school.

Church Times online poll. 13 April 2006. 'Should faith schools be phased out?'

Yes: 489 (75%)

No: 159 (25%)

Manchester Evening News poll. 15 March 2006. 'Are schools based on religion a good idea?'

Yes - 7%

No - 93%

BBC Radio 4 Sunday Programme online poll. October 2005. 'Faith schools breed segregation'

96% of respondents think that faith schools breed segregation

Islamic Human Rights Commission. October 2005. 'Over half British Muslims do not want Muslim schools'

Fewer than 50% of 1,125 British Muslims wanted their children to attend schools of their own faith

New Statesman. September 2005

96% of New Statesman readers endorse the proposition that Tony Blair should end his support for faith schools

ICM poll for *The Guardian* 23 August 2005

Q9. The Government is expanding the number of state funded faith schools, including Muslim schools. Which one of the following do you most agree with?

- 25% Faith schools are an important part of our education system and if there are Anglican and Jewish state-funded schools there should also be Muslim ones.
- 8% Faith schools are an important part of our education system but the Government should not be funding Muslim schools.
- 64% Schools should be for everyone regardless of religion and the Government should not be funding faith schools of any kind.
- 4% Don't know

***BBC Radio 4 Sunday Programme* poll. July 2004. '82.1% say faith schools should be abolished'**

254 in favour of abolishing faith-based schools, and only 57 against.

***BBC Radio 4 Any Question*. 2002**

95% of the listeners who called in after a broadcast in which Gwyneth Dunwoody MP expressed opposition to faith schools agreed that faith schools were divisive (according to the programme editor).

***Times Educational Supplement*. 30 November 2001. 'Voters oppose expansion of faith schools'**

Nearly twice as many people oppose the Government's plan to expand faith schooling as support it. More than two in five are against increasing the number of state-funded religious schools, the survey of nearly 200 people found.

***YouGov / Observer* poll. 11 November 2001. '80% are against new faith schools'**

Asked whether they supported the extension of single faith schools to include religions such as Islam and Judaism, 80% said they did not.

Appendix I: Lessons from Other Countries



The Government has been looking cross-nationally to inform its policies in relation to reform of public services in the UK.

The Government, and particularly the Department for Work and Pensions (DWP), is looking abroad for examples of welfare reform policy. Two of the countries the Government is reviewing are Australia and the United States of America (US); both of which have considerable and increasing involvement of religious organisations in the provision of public services. The contemporary Australian model in particular has been very influential on British welfare policy.

It is useful to have a brief overview of the situation in both of these countries, in order to pick out any particular issues that have arisen in relation to the provision of public services through religious organisations and use them as lessons for UK welfare and public service reform.

In general, what the examples both highlight are the problematic issues raised for service users and employees when religious organisations are contracted to provide statutory public services. They also illustrate the difficult questions of policy that such contracting presents in a liberal democratic and open society.

Australia

Since 1998, the role of government in relation to employment services changed from provider to purchaser, buying such services from the private and voluntary sector. Job Network is operated by the Department of Employment and Work Relations and it comprises about 200 private and voluntary sector providers who compete with each other to deliver job placement and case management services (DWP, 2007a, p5-8).

Many of Australia's public and welfare services are provided through religious, particularly Christian, organisations. For example, the Catholic Church is the biggest operator in health and education (Ferguson, 2005). The employment service has been outsourced to the not-for-profit sector and the Salvation Army runs Employment Plus, the country's biggest employment service, offering welfare-to-work services for the unemployed. Other Christian organisations, such as Mission Australia, also have a very large involvement in welfare and employment services.

Christian organisations such as these have a very specific, very religious, ethos and see their role as a direct outworking of the Christian religion. Like religious organisations in the UK, they are allowed to discriminate in their employment practices. For example, all Mission Australia employees must read, and agree with, their Christian values statement and demonstrate that they are able to work in an organisation with an overriding Christian ethos (Mission Australia, undated). To agree with such mission statements would clearly be very difficult, troubling and dishonest for those who do not actively follow a particular Christian belief system, yet it is not actually considered discriminatory for organisations to say that employees should be sympathetic to – and willing to work within – its specific religious ethos or mission. This is very similar to the situation in Britain.

Australian legislation has similar stipulations to the ‘Genuine Occupational Requirement’ in the UK¹⁹, whereby ‘it is open to organisations to argue that a particular religious affiliation is an inherent requirement for a job in providing welfare, health and educational services’ (*Sydney Morning Herald*, 2000). This is the ‘Inherent Requirements of the Job’ exception. Religious institutions may also use the ‘Religious Susceptibilities’ exception, which allows them to discriminate in employment if hiring someone would injure the religious susceptibilities of adherents of that religion or creed (HREOC, 2000). As in the UK, it is unlikely that the intention of the law is to allow religious organisations free reign to discriminate on grounds of religion or belief in their employment practices. Indeed, organisations should be able to demonstrate why an individual needs to possess a particular belief to perform the duties of the position and also why an individual without the specified belief would be unable to perform the duties of the position (HREOC, 2000). However, in practice, because of these legislative exemptions, religious organisations can and do discriminate on grounds of religion or belief in their employment practices. In the UK, a number of contractors are likely to take over responsibility for a large proportion of welfare services, including two Australian organisations – Work Directions (a non-religious organisation) and Mission Australia (*Financial Times*, 2007). In fact, Mission Australia now owns a third of Working Links, a public-private-voluntary partnership, with a large contractual involvement in JobCentre Plus in the UK (PCS, 2006, p21).

Introducing a profit-motive into the supply of welfare and other public services, as in Australia, involves a conflict of interest between the need to compete and religious duty. Funding by results, as advocated in welfare reform proposals, would surely affect the ‘invaluable link’ (DWP, 2007) that religious organisations are considered, by some, to have with certain individuals or communities. It seems, therefore, counterintuitive at best to adopt a policy of using religious organisations in welfare provision on an assumption of effectiveness based only on the fact that they have a religious ethos, and then make profit and contestability the driving force for supply of welfare (if you do not get good enough measurable results you will lose money or lose your contract),

United States

The 1996 Welfare Reform Act contains a ‘charitable choice’ provision, which states that faith-based providers must be given equal consideration with secular, non-profit organisations when bidding for social service contracts²⁰, encouraging religious groups to accept and compete for public money.

“‘Charitable Choice’ and ‘Faith-Based-Initiative’ are legislative and administrative expressions of the political idea that religious organisations should be included in the public welfare system. While the original Charitable-Choice-legislation was enacted under Clinton, the Bush administration took considerable efforts to elaborate its legislative foundations (House Resolution 7 from 2001) and to force its administrative implementation. Under the Faith-Based-Initiative several federal organisations were created to coordinate and audit the implementation of the reform’ (Nagel, 2006, p2).

¹⁹ See appendix D, for details of exemptions from employment equality regulations in the UK

²⁰ This sounds very similar to what is being suggested in the UK, with special training and so on for religious organisations to help them to bid for contracts etc

In the US, the White House Office of Faith-Based and Community Initiatives (FBCI) was established to expand the role of faith-based organisations in the provision of 'social services'. Faith-based organisations which receive Federal funds are not permitted by law to discriminate against service users or make participation in religious activities a condition for receiving public services and they are not permitted by law to use federal funds to support 'inherently religious activities' (White House, undated, p1).

Under the Civil Rights Act 1964, religious organisations have a special exemption, allowing them to discriminate in their hiring on the grounds of religion, so that they may 'maintain their religious liberty and identity' (White House, undated, p2). The Federal Government is taking a number of steps currently to ensure that faith-based organisations in receipt of Federal funds are still able to discriminate in their employment practices. Further, religious organisations providing public services are allowed to prescribe the lifestyle of their employees outside of the work environment, such as abstaining from alcohol (Cnaan, 1999, p5).

Although it is illegal for religious organisations in receipt of Federal funds to discriminate against service users on religious grounds, or make participation in a religious activity a condition of receiving a public service, it is not clear that these stipulations are closely monitored in all areas. Any lack of monitoring of these provisions might be due in part to the increased religiosity of public services (see below), where individuals may be pressured to participate in religious activities when they access services.

In an interesting – and perhaps unexpected – policy outcome, many public or 'social' services in the US are becoming more openly religious. Before 'charitable choice', with the emphasis on creating a 'level playing field', no religiosity whatsoever was legally allowed in the provision of Federally-funded social services. Yet now, religious organisations providing such services do not have to remove religious symbols, art and icons, or forgo religious ceremonies such as collective praying before meals (Cnaan, 1999, p5). Therefore, it is left to the service user to have to refuse to take part in religious activities, which is a very troubling (and presumably difficult to monitor) situation, especially for more vulnerable individuals.

In the UK, there are no provisions in contracts or legislation to prevent money from the state being 'creamed off' and used for religious purposes. If there are problems of accountability in the US where there is clear legislation against such activity, it does not bode well for the UK. Moreover, it is not just a theoretical worry that public services might be provided in religious settings or in ways that encourage participation in religious activities. At a DWP event on 7th June 2007 for faith-based organisations (and other third sector organisations as a seeming concession to 'a level playing field'), the officials were clear that once welfare-to-work and other services had been contracted out, they did not know how the money was spent. Nor could the officials say how many religious organisations had contracts or subcontracts, or how many services were actually provided in churches or other places of worship.

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‘Recipients of public services need to feel confident that the help they receive is tailored to their specific needs and not to the needs of an organisation with ulterior religious objectives. While it may be attractive for local authorities and PCTs to contract out services to these organisations they should ensure that their ethos, employment practices and policies are based in sound equality practice and that they do not impose on the disadvantaged a service which most people in a secular society would not choose.’

Professor the Baroness Murphy MD

‘As a strong supporter of a mixed economy of providers of public services in the interests of choice, contestability and more personalisation of services it is vital that public money is not used to further religious objectives or to discriminate against service users and staff. This report shows why we need to amend the Human Rights Act – a groundbreaking piece of legislation by this Government – and other equality legislation to remedy the situation that has been inadvertently created in our public services. The continuing and necessary programme of reform in our public services makes it ever more urgent to erect stronger legislative barriers to prevent discriminatory behaviour by religious organisations, particularly as we live in a largely secular society.’

Rt. Hon. Lord Warner, former Minister of State, Department of Health

‘Often contributions to Government policy from non-religious perspectives are not listened to, or taken into account, as much those from religious perspectives. For too long the ideas set out in this report have not been properly debated. This important report makes clear the need for a number of issues in relation to our public services about human rights, equality and non-discrimination to be talked about fully and openly, and it sets the basis for future debate.’

Baroness Whitaker, BHA Vice President

ISBN 978-0-901825-85-8

This paper is the outcome of a collaborative project led by Naomi Phillips, BHA Public Affairs Officer.

First Published in 2007 by
British Humanist Association
1 Gower Street
London WC1E 6HD
www.humanism.org.uk
Registered Charity Number 285987

Printed in the UK by Naked Marketing

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