

25 Red Lion Square
London WC1R 4RL

TEL: 020 7404 3126

FAX: 0870 762 8971

EMAIL: enquiries@secularism.org.uk

WEB: www.secularism.org.uk

The Empowerment Fund

A response by the National Secular Society to DCLG consultation on proposals for funding third sector organisations to empower communities across England

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www.communities.gov.uk/publications/communities/empowermentfund

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Contents

1. About the NSS	2
2. Recommendations	3
3. Principle concerns and expansion of recommendations	4
4. Objections to Faith-based Welfare	6

1. About the NSS

Founded in 1866, the National Secular Society fights for equality for all regardless of religion or belief. Promoting the separation of Church and State, it campaigns both at home and in the EU against the undue influence of religion in public affairs and education. The NSS defends scientific rationalism, freedom of speech and Human Rights.

The NSS sees secularism, that is, the position that the state should promote no religious view and that the religious should have no special privileges based on their religious beliefs, as an essential element in promoting equality between all citizens. We therefore take a keen interest in such causes as social cohesion and the fight against all forms of discrimination.

We are concerned that religious influence, much of it rooted in the social fabric many centuries ago, still informs current social attitudes even among those who no longer practise a religion. Such a mindset, reflexive rather than critical, traditional rather than analytical, affects all citizens when it shapes legislation or motivates those seeking to obstruct changes to our laws.

In particular, traditional religious attitudes have prompted opposition to legislation on equality, such as that concerning sex and sexual orientation and more widely on reproductive ethics and end of life issues. In our campaigns for equality, we are frequently able to make common cause with groups campaigning against unfair discrimination in these other areas in opposition to the demands of religious organisations.

We acknowledge that the followers of all religions include the liberal and tolerant as well as the orthodox and authoritarian. We recognise that many religious people play a laudable role in society, in some cases despite the prescriptions and proscriptions of their religious hierarchy.

We absolutely support - and fight for - everyone's right to manifest their religion or belief, and to change it, something not all religions accept.

2. RECOMMENDATIONS

- 1. A transparent and accountable system for ensuring that there is no promotion of any *'religious doctrine; mission or proselytism; promotion of the beliefs of a particular faith'* as specified in the guidelines.**
- 2. Clarification of what *'basic religious/cultural awareness raising'* means.**
- 3. A transparent and accountable system for monitoring the selection process of groups for funding by strategic partners.**
- 4. A transparent and accountable system for monitoring groups after they receive funding to ensure that the whole community is being served, that there is no active promotion of religion and that there is no discrimination against people not of the faith of the group (whether of other religions or none), or against minorities covered in equality legislation. This discrimination applies to both the community served by the group and those employed by it in terms of employment regulations. FBW groups must be held accountable to the same standards of provision as secular groups.**

3. Principal Concerns

The *Communities in Control* White Paper¹ that is to be read in conjunction with the Empowerment Fund document clearly aims to increase and promote faith-based welfare (FBW).

Executive Summary from White Paper

16. Many tens of thousands of people are motivated by their faith to provide services to local communities. But their contribution hasn't always been fully appreciated. We intend to remove the barriers to commissioning services from faith-based groups and carry out a national survey of third sector organisations, including faith based organisations, to understand the difficulties they face.

The role of faith-based groups

2.33 Among the voluntary organisations we want to help in different ways to build stronger communities, there is a particular role for faith based groups. Britain has a strong tradition of faith-based organisations working to improve local communities. This reflects the importance placed on charitable acts, social action and civic duty in all religions practised in the UK. There are over 23,000 religious charities in the UK and many more faith-based organisations, involving tens of thousands of people motivated by their faith, working at a local and national level to provide support and services to communities. At times there has been reluctance on the part of local authorities and agencies to commission services from faith-based groups, in part because of some confusion about the propriety of doing so. Building on the Faithworks Charter, we intend to work with faith communities to clarify the issues and to remove the barriers to commissioning services from faith-based groups.

(our underlining)

However, the consultation document for the Fund makes no mention of FBW at all, stressing that organisations that **promote** religion are not eligible for the funding.

Organisations who: 'Whether directly or indirectly, for activities such as: services or events where the key purpose is to promote a religious doctrine; mission or proselytism; promotion of the beliefs of a particular faith (beyond basic religious/cultural awareness raising). (Empowerment document p14)

The NSS commends this attempt to separate religion from public service but at the same time is concerned that the confusion between the two stated objectives will allow religious organisations that are strategic partners in the Fund, overseeing the distribution of funding, to insinuate the faith element of FBW into their decision-making process and that funded groups will promote a religious agenda, and thereby not serve the whole community or promote social cohesion, despite the stated aims of the Fund to 'generate vibrant local democracy' (page 11 and ff). Democracy will not be served if religious bias or influence is at work.

If any of the strategic partners is a religious organisation, there must be safeguards to prevent them giving the money to smaller groups of their own religious belief or denomination only or to those broadly sympathetic to their religious aims. There should also be safeguards to ensure that any religious groups who do get the money treat all local people equally and observe all employment regulation.

The guideline appears to clearly exclude religious organisations but there is a concern that this may well mean that organisations who run, for example, a local homeless charity, youth group or health initiative, can claim that the service offered is purely to help the local community and has no religious ambition while at the same time carrying on with promotion of belief, whether at a low-level (for example posters,

¹ <http://www.communities.gov.uk/publications/communities/communitiesincontrol>

leaflets, religious texts, conversations) or more aggressively. Religiously-based moral judgments around, for example, drug use, sexuality or start and end of life issues must be prevented from infiltrating the provision of services or the treatment of both those served and employed.

Secondly, clarification of 'beyond basic religious/cultural awareness raising' is essential, with clear detailed guidelines about what is and what is not appropriate and a strategy for monitoring and enforcement. There is an assumption that organisations have a right to 'raise awareness' but there is no mention of rights or protection for those who do not require this activity or indeed who actively reject it; this concern must be addressed if whole communities are to be served.

This stipulation needs clarification to protect both individuals and communities who need the services provided and those providing it. Users must be protected from unwanted religious propaganda and pressure; there is a concern that in some cases, people may not feel they are able to object in case they lose the services of the funded group or may not be in a condition to formulate their objection (for example, there may be language barriers, cultural pressure, literacy or mental health issues).

There is also the concern that some people who would benefit from the services of the funded group will not approach them if the group has the reputation of promoting a religion or religiously-inspired ideas; if this group is the only one providing a service in that community, people who feel excluded, judged by, or even fearful of, the group's ethos, will be seriously disadvantaged.

Those providing the service also need clear guidelines in order to protect them from possible challenges, legal or otherwise.

In 2005, Baroness Scotland reassured Parliament that: *It would be wrong if faith groups delivering public functions refused to provide services to people of a particular religion, or if they set conditions or requirements for receiving such services that led to indirect discrimination against people of a particular religion or belief*².

However, despite the fact that this speech was made three years ago outlining the need to prevent discrimination, the proposals for the Empowerment Fund have still not outlined how discrimination will be prevented. Instituting guidelines at this early stage is essential rather than retro-active attempts at reformation.

² http://www.parliament.the-stationery-office.co.uk/pa/ld199697/ldhansrd/pdvn/lds05/text/50713-04.htm#50713-04_head3

4. Objections to Faith-based Welfare

The NSS acknowledges that some faith-based groups have carried out social welfare programmes without seeing to proselytise, discriminate or impose values. However, while only 7% of people attend Church on an average Sunday³, and religion ranked only 9th in a Home Office Survey of citizens' priorities⁴, the expansion of FBW has no justification.

The NSS' objection to the spread of FBW is centred on two main issues: discrimination and the warning examples of Germany and America, countries with well-established FBW.

While discrimination by Christian faith-based groups is the principal concern, it is not the only one as other religions are also more than capable of discrimination and will inevitably start to demand funding for their own groups just as they have for schools founded on their own religious ethos in a claim for parity with Church schools, for example.

A. Discrimination

In the recent past, religious groups have actively sought exemption from equality legislation. For example, the Church engineered a claim for widespread exemption in the (anti-discrimination) Employment Regulations on sexual orientation.

The NSS is concerned that an increase in FBW would lead to an increase in attempted or actual discrimination. Attitudes and practices to date show that religious organisations cannot be trusted to have an objective, non-confessional approach.

Among many examples, these are just a few:

*The Catholic adoption society said it will shut up shop if it has to allow gay couples to apply. Churches say they will never let out a hall to a gay organisation. Christians running soup kitchens say they want to refuse gays shelter and soup.*⁵

*A gay Christian has won a discrimination claim against the Church of England after it was found to have blocked his appointment on the grounds of his sexuality.*⁶

³ UK Christian Handbook Christian Trends No. 5, 2005/2006 Publ Christian Research Ed Peter Brierley ISBN1-85321-160-5, Table 12.13

⁴ 3. Home Office Research Study 274 Religion in England and Wales: findings from the 2001 Home Office Citizenship Survey publ 2004

⁵ <http://www.guardian.co.uk/commentisfree/2007/jan/09/comment.politics1>

⁶ <http://www.24dash.com/news/Communities/2007-07-18-Gay-Christian-wins-Church-of-England-discrimination-claim>

In a report by ACAS, there were examples of organisations with a religious ethos reportedly discriminating in areas such as promotion on the basis that the claimant did not have a religion or was from a different faith.⁷

In 2007, the group Christian Concern for our Nation (CCN) sought self-privileging exemptions that would have rendered pointless the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, petitioning the Queen to intervene over Parliament's introduction of anti-discrimination provisions.

CCN claimed in their petition that the Regulations would force Christians to 'encourage the practice of homosexual relationships' and 'will make it unlawful for a Christian to refuse to promote homosexual practice'.

A whole page advertisement placed by another group, 'Coherent and Cohesive Voice', in a national daily paper in November 2006 attacking the Regulations made four homophobic claims⁸ that have been confirmed to be incorrect by the Government in a Parliamentary answer and judged unacceptable by the Advertising Standards Authority⁹.

B. FBW in America

A further concern about FBW is based on the American experience where FBW groups promote their abstinence and pro-life agendas. In some cases, the distribution of welfare is contingent on the recipients agreeing to these principles. Moral judgements have no place in welfare.

There has been rigorous academic research, backed by a former US Surgeon General¹⁰ that proves that abstinence as a preventative against HIV/AIDS, other STIs and pregnancy does not work.¹¹

American overseas FBW has been responsible for promoting abstinence over effective, evidence-based sex education and providing condoms; religious campaigners, often in the guise of welfare workers, are

⁷ <http://www.secularism.org.uk/employersseeworkplacediscriminat.html>

⁸ They will force all schools to actively promote homosexual Civil Partnerships (from primary school age) to the same degree that they teach the importance of marriage.

They will force a printing shop run by a Christian to print fliers promoting gay sex.

They will force a family-run B&B to let out a double room to a transexual couple even if the family think it is in the best interests of their children to refuse to allow such a situation in their own home.

They will make it illegal for a heterosexual policeman, fireman or member of the Armed Forces to refuse to join a Gay Pride event promoting the homosexual way of life.

⁹ http://www.asa.org.uk/asa/adjudications/Public/TF_ADJ_42880.htm

¹⁰ <http://www.rethinkingschools.org/sex/elders.shtml>

¹¹ <http://query.nytimes.com/gst/fullpage.html?res=9902E0DD153FF93BA25756C0A9629C8B63>

and http://latimesblogs.latimes.com/booster_shots/2008/09/abstinence-educ.html

using fake science, and even lying about real science in favour of forcing religious values onto those in greatest need.¹²

In addition, religious views in the area of women's sexual health and fertility – contraception, morning after pill, HPV vaccine and abortion, for example – must not be imposed on people using the groups' services.

There must be safeguards against FBW groups interacting particularly with women and young people promoting these views. Such safeguards must be set up *before* funds are distributed.

C. FBW in Germany

Although at present the situation in the UK is nowhere near that in Germany, the NSS is seriously concerned that the introduction of FBW to smaller community projects is part of a more widespread application of FBW.

In Germany, FBW is well-established. The employment rights of employees of confessional organisations in Germany, even when publicly-funded, do not enjoy rights otherwise guaranteed by the state, for example over wage rates and the rights to form unions. The scale of such organisations is huge, with approximately 2.5 million employees, so this licensed discrimination has an impact on the ability of non-believers and in many cases those who are not regarded as obedient Catholics, to obtain work. It also creates a virtual monopoly where other organisations are in effect excluded because they would not have the privileges granted to religious organisations and would therefore be unable to compete.¹³

*German law opts for "church autonomy", rather than "separation of church and state". This has been interpreted by the Constitutional Court to mean that the churches are free to run huge enterprises (at public expense) where the state's employment laws do not apply, and the churches are free to make their own. This can mean that their employees can legally be fired if their personal lives don't conform to the church ethos.*¹⁴

Ever since the Weimar Republic (1919-1933), the Christian churches in Germany have enjoyed great privileges. The Constitution guarantees them the right to self-determination in their conditions of employment. As a result for 1.3 million people who work in church offices, in graveyards, in day-care centres of the Diakonisches Werk, or hospitals of Caritas (the Catholic charity), the Work Constitution Act (Betriebsverfassungsgesetz) doesn't apply — and therefore they are not allowed to elect factory committees and public employees' staff councils (Betriebs- und Personalräte). For labour legislation conflicts, ones which may also involve more than individual workers, the churches have the jurisdiction.

¹² <http://www.secularism.org.uk/aidswhoisopposingcondomuse.html>

¹³ http://www.concordatwatch.eu/showtopic.php?org_id=858&kb_header_id=32561

http://www.concordatwatch.eu/showtopic.php?org_id=858&kb_header_id=32531

http://www.concordatwatch.eu/showtopic.php?org_id=858&kb_header_id=2901

¹⁴ http://www.concordatwatch.eu/showtopic.php?org_id=858&kb_header_id=12971

After the state increasingly emphasised competition in care for the elderly and in hospitals, the Diakonisches Werk tried to fund a competitive advantage from providing poorer working conditions. In 1998 it introduced low wage categories for unskilled workers and apprentices. Then, by not following the new wage agreements in the civil service, the church completely disconnected itself from the public sector wage scale. Throughout Germany, church commissions for employment law are being formed, which often draw up their own unique basis for contracts. As the Secretary of the large German Union called ver.di, Renate Richter, describes the situation, "The fragmentation is increasing at a roaring rate."¹⁵

Needless to say, confessional compliance is expected:

The job offer for a business manager suggests politely, that "your profile" should include "a positive attitude to the tasks and aims of Caritas". The job offer for a part-time child minder, on the other hand, states baldly, "We expect active membership in the Catholic Church".

One woman worked as a clinical psychologist for a Church-run clinic. This meant that she had to remain a Church member, even though she wasn't a believer. It was only when she was finally in a position to set up her own private practice that she dared to leave the Church ...

Nor can one opt out of supporting a church that one rejects:

... And in Germany church membership does not come cheap. The tithe is collected by the Government as part of her income tax. If she didn't pay her church tax, she feared that the state would charge her with tax evasion. Since church tax is coordinated with the Inland Revenue, the church knew how much she earned, from all sources and tithed her accordingly.¹⁶

The belief assiduously cultivated by the churches that they pay for these services is quite false:

How much do the churches contribute to finance all the activities of Caritas and the Diakonisches Werk? The churches' share amounts to 1.8 percent. In monetary terms, this means that of the 44.5 billion euro costs of the facilities of Caritas and the Diakonisches Werk the two churches contribute only 828 million euros. This means that a mere 4.8 percent of the money of the churches is used for social purposes.¹⁷

In spite of the near-total state subsidy... the overwhelmingly church-run homes for the aged are tempted to tap another source of income. In 2001 Germany had to change a law to try to protect residents from pressure to leave the home a legacy.¹⁸

¹⁵ http://www.concordatwatch.eu/showtopic.php?org_id=858&kb_header_id=32531

¹⁶ http://www.concordatwatch.eu/showtopic.php?org_id=858&kb_header_id=2901

¹⁷ http://www.concordatwatch.eu/showtopic.php?org_id=858&kb_header_id=32561

¹⁸ http://www.concordatwatch.eu/showkb.php?org_id=858&kb_header_id=32561&order=kb_rank%20ASC&kb_id=31401

To prevent the situation in Germany and America happening here, it is essential that public money is ring-fenced for public services and that welfare provisions are set up with statutory protection, not just guidelines.

The NSS would be pleased to consult further on this subject or to answer any questions.