



THE **Religious Education Council** OF ENGLAND & WALES

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c/o St Martin's College  
LANCASTER. LA1 3JD

1 September 2006

Andrew Dismore MP, Chair,  
Joint Committee on Human Rights,  
Committee Office, House of Commons,  
7 Millbank, London SW1P 3JA.

Dear Mr Dismore,

It was with considerable disappointment that I read the response of the Joint Committee on Human Rights to the letter from the National Secular Society. It showed little evident grasp of the nature of Religious Education, either in law or practice.

Legally the term Religious Instruction was abolished by the 1988 Education Reform Act. This was to ensure that the words used in law matched reality. Even in 1944 when the term Religious Instruction was used no indoctrinatory connotation was intended, but precisely because that interpretation was commonly perceived in the lingering legal usage it was changed. In practice it had not been widely used since the 1960s and most Agreed Syllabuses had for long been using 'RE' to describe their subject matter.

More worryingly, the Committee appeared to show no recognition of the vital contribution which RE makes in the education of young people. In equipping them for living as national and global citizens, a school's focus on beliefs and values is critical. Students of all ages need the opportunity to clarify and understand the meaning and implications of different sources of belief and value surrounding them in the contemporary world. They also deserve assistance in openly developing their own sense of purpose and faith to live by.

This priority, important at all times but now especially so, has been woefully neglected for 16-19 years olds. The majority are in 6<sup>th</sup> Form or FE Colleges, and therefore not under school regulations. Accordingly, RE is rarely provided, nor effective alternatives, for most of this age range.

The issue was triggered by the letter from the National Secular Society. This organisation may indeed represent the views of a significant minority in our society. But its membership is not known for its direct involvement in education. It is part of their deliberate apologetic technique to use the language of 'RI'. The British Humanist Association, which is much more extensively involved in education on the ground, supports the provision of RE post 16.

The matter of ‘Gillick competent’ discretion in respect of attendance at Collective Worship for 16-19 year olds is well worth consideration. However, the context deserves some unpacking:

- ‘Collective Worship’ itself is different from ‘Corporate Worship’ (particular to a singular faith community), in that it is intended as an open educational experience (“sensitive to age, aptitude and family background” according to the 1988 ERA).
- Far from being a daily occurrence in 11-18 schools, even a weekly pattern of provision is rare for the 6<sup>th</sup> formers, and even moreso in other 16-19 establishments.
- The tradition in voluntary-aided establishments is different, and in respect of separate 16-19 institutions these are more Roman Catholic than Anglican. The decision of parents and Gillick competent students to attend such institutions may arguably be seen as indicative of a readiness to embrace the tradition and ethos found there.

Were this whole subject now to be directly addressed by the Religious Education Council of England & Wales, I am in no doubt about what all the member organisations (some fifty faith communities and professional associations, including the BHA) would agree on. They would welcome any positive interest in RE on the part of your Committee. They would go on to ask that the woeful under-provision of RE for 16-19 year olds be tackled as itself a human rights issue, in that their entitlement to a meaningful engagement with spiritual and moral issues in education is at risk.

Yours sincerely,

Brian Gates (Prof)

Chair

Dear Professor Gates

Thank you for responding to my request for a copy of your 1 September letter to the JCHR. As with that letter, I am happy to place this one to be in the public domain.

It wasn’t quite clear to me whether the criticism in your second paragraph related to the JCHR or the NSS. Assuming it is the latter, it is curious that you should refer to the Society’s “little evident grasp” of the law on RE at the very moment when our interpretation of it has just been upheld by the Committee in their report, and Lord Adonis recently accepted in principle the spirit of the amendment I drafted to Section 71 of the Schools Standards and

Framework Act 1998<sup>1</sup>. Furthermore, it was me who first noticed the inadvertent oversight by the JCHR in its 25<sup>th</sup> Report using RI rather than RE in some places in its Report and drew the matter to their attention.

On the subject of grasp of the law on RE, your letter reveals a somewhat selective grasp by the RE Council (assuming that no one in the Council is more knowledgeable in this area than yourself as Chair). Nowhere is it unambiguously accepted that older pupils can have human rights of their own as adults, the substantive point of our complaint and the Committee's Report.

You tell the Committee that "The matter of 'Gillick competent' discretion in respect of attendance at Collective Worship for 16-19 year olds is well worth consideration." I am sure they will be pleased about your endorsement of the work they have just done. When you add "However, the context deserves some unpacking:" I interpret this as a bid for the conclusion which the JCHR reached to be weakened, or that the examples you give should be regarded as extenuating circumstances excusing non-compliance.

The points you make in each bullet point deserve a response. You describe Collective Worship is intended as an open educational experience ("sensitive to age, aptitude and family background" according to the 1988 ERA)

You refer in the penultimate bullet point that the lesser frequency of such worship. The implication of your comment is not clear to me, but most would deduce from it that you thought that the lower frequency somehow mitigates against any need to grant these students their full human rights. As you will have seen from the JCHR's Report, they do not make any distinction between daily or weekly worship. The law still, regrettably, requires pupils to worship, employing the phrase "take part in". It is in my opinion degrading to force anyone to do so, but outrageous and illegal to require adults to do so, whether daily or monthly.

I would like also to comment about your last bullet point, which as you will remember reads: "The tradition in voluntary-aided establishments is different, and in respect of separate 16-19 institutions these are more Roman Catholic than Anglican. The decision of parents and Gillick competent students to attend such institutions may arguably be seen as indicative of a readiness to embrace the tradition and ethos found there."

While I accept you used the word "arguably", you posited no counterbalancing view, so I assume it is a view you espouse. It seems entirely dismissive of our Human Rights obligations to argue that a pupils' very attendance at a religious school means that they must attend collective worship as some sort of a package that in effect overrides the UK's Human Rights obligations. Could it not be that some pupils attend at their parents' behest, some may have changed their mind about whether they wish to attend, and some may even simply have enrolled because there was no other suitable school? I believe they are all if deemed adults for HR purposes both in law and morally to stand in their parents' places in terms of exercising statutory withdrawal from Collective Worship. It seems totally unreasonable (and indeed against Human Rights) to suggest on such grounds that such older pupils leave their Human Rights behind when they pass through the gates of a 16-19 RC school or college.

Whatever the government proposes, the NSS will endeavour to maximise the scope for older pupils to follow their own consciences in these areas.

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<sup>1</sup> Education and Inspections Bill, Lords Committee stage Lords official record 18 July 2006 : Column 1204 Amendment 217A (details on request)

Quite a number of our members are teachers