

# Know your rights: advice and support

Most enquiries we get are related to [education](#), as it's where religious privilege most imposes on most people's rights. If you need advice on [withdrawing from collective worship](#), issues with [religious education](#), [school admissions](#) or [evangelism in schools](#), please visit those campaigns pages.

If you are looking for advice on [workplace issues](#), the relevant campaigns pages have information on our work in this area, and the best advice from the Equality and Human Rights Commission.

**Nothing on this page should be construed as offering legal advice.**

## Further advice

If you need other or further advice, please [contact us](#) or use the form below. Alternatively if you would like to report an issue (whether or not it's something you're currently seeking advice/support on) why not [share your story](#).

## Education

Much of this guidance applies only to England & Wales. For advice about your rights in Scotland or Northern Ireland, please visit the [education](#) campaigns pages, or [get in touch](#).

### [A new faith school is opening in my area, what can I do about it?](#)

Guidance for all UK nations' education systems.

The No More Faith Schools campaign - coordinated by the NSS - has launched a short guide to help supporters challenge the establishment of new faith schools. The guide provides an overview of the education systems and process for opening faith schools in England, Northern Ireland, Scotland and Wales – as well as how to find information on and respond to consultations.

[Click here](#) to find out more.

### [My child is being made to pray at school and assemblies are being used for proselytization. Is this legal?](#)

All maintained schools are required by law to provide a daily act of collective worship. Worship is not defined in legislation, but guidance suggests it should be "concerned with reverence or

eneration paid to a divine being or power."

In community schools, the law states the worship must be 'wholly or mainly of a Christian character'. In a faith school, which is a voluntary or foundation school, collective worship must reflect the faith of the school.

Despite the law requiring worship, the Department for Education is leaving it up to schools to interpret the law how they see fit. Many schools ignore the law and do not hold acts of worship and we are not aware of any attempts to enforce it.

However, where schools do hold prayers or other acts of worship, parental rights and children's religious freedom are clearly being undermined. There is however no law against this. In fact, there is specific exemption for collective worship in the Equality Act. However, withdrawal from collective worship is an option.

**We have a dedicated [guide for parents](#) or challenging collective worship and/or securing a meaningful alternative.**

## [Can I opt my child out of worship at school?](#)

Yes. If your child is at a state school, including academies and faith schools, and you don't want them to attend collective worship, you have the right to ask the school to withdraw them. The school must agree with your request.

Before exercising any right of withdrawal we would recommend discussing your concerns with the headteacher.

Requests for withdrawals are best made in writing, the simple text below should be perfectly adequate.

"As parents of [Child's name] we formally request that he/she is withdrawn from worship/RE of any kind in future, without any detriment."

A school remains responsible for the supervision of any child withdrawn for collective worship. If you experience any difficulty or obstruction in exercising your right of withdrawal we would like to hear from you.

If your child is in the sixth form, they can decide themselves whether or not to withdraw from collective worship.

**We have a dedicated [guide for parents](#) or challenging collective worship and/or securing a meaningful alternative.**

## [I'm a pupil. Can I opt myself out of worship at school?](#)

Only sixth-form pupils at state schools are able to withdraw themselves from collective worship, without the need for a parent's permission. Any other pupils will need their parents to request withdrawal. We're working to ensure that where schools hold acts of worship, pupils can decide for

themselves whether or not to take part.

This right of self-withdrawal does not extend to pupils in independent schools.

For more information visit our collective worship campaigns [page](#).

## **Religious education at my child's school seems biased, rather than impartial. Is this legal?**

If the school is legally designated as having a religious character, and is a voluntary aided, Free School, sponsored Academy, or an Academy that converted to Academy status having previously been a Voluntary Aided school, the syllabus is a matter for the governing body to decide – and may be of denominational character. This means that many faith schools are permitted to teach confessional RE.

Community schools and voluntary controlled faith schools follow a locally agreed syllabus drawn up by local committees (known as Standing Advisory Council on Religious Education, or SACREs) comprising of teachers, local churches, faith groups and the local authority. The requirements are that a syllabus must 'reflect the fact that the religious traditions in Great Britain are, in the main, Christian while taking account of the teaching and practices of the other principal religions represented in Great Britain'. However, teaching should be non-denominational and neutral on matters of religion or belief, so if the subject is being taught from a faith-based perspective they are breaking the law.

Whilst the content of the school curriculum is not covered by discrimination law (the Equality Act states that it is specifically excluded), the delivery of the curriculum is explicitly included.

For more information visit our RE campaigns [page](#).

## **Can I opt my child out of RE at school?**

Yes. A school must comply with any request by a parent or carer for a pupil to be wholly or partly excused from attending RE. If you have concerns about the way in which religious education is being taught at your school please don't be afraid to raise them, concerns being addressed without the need to withdraw could be more impactful.

If pupils are withdrawn from RE, schools have a duty to supervise them, though not to provide additional teaching or to incur extra cost. Pupils will usually remain on school premises. Where a pupil has been withdrawn, the law provides for alternative arrangements to be made for RE of the kind the parent wants the pupil to receive.

If you experience any difficulty or obstruction in exercising your right of withdrawal, we would like to hear from you.

For more information visit our RE campaigns [page](#).

## **My child has been allocated a place at a faith school. Can I**

## challenge this?

There is no legal right to a place in a secular (non-religious affiliated) school. As a result, many parents are allocated faith schools against their wishes.

However, if you don't get the school you wanted, you can appeal against the decision.

The way the appeals process works means your appeal is not against the school you've been allocated, but against the decision not to admit your child to your preferred school. You'll need to explain why this school would be the best place for your child. However, in cases where pupils are allocated faith schools, it's hard to do this without pointing out why the alternative school would be unsuitable.

If you do want to challenge the decision to allocate your child a place at a faith school, there is a human rights argument available to you. Article 2 of the First Protocol of the human Rights Act (Right to education) provides that the State must respect the right of parents' religious and philosophical convictions in respect of education and teaching. However, this only requires "respect for" not "compliance with" so may not necessarily be enough to successfully challenge a faith school allocation.

However, we are keen to establish an entitlement to a state education in a religiously neutral (non-religiously affiliated) school, so if you do wish to explore the option of a legal challenge, please do get in touch.

## I'm religious and want my child to attend a state-funded faith school. Is this my right?

No. parents have a right to express a preference for the school they want their child to attend but do not have a right for their child to attend that particular school. Although UK governments have decided to offer a mixed economy of faith and secular schools, they are under no obligation to fund religious schools of any kind. There is therefore, no right to access a state-funded faith school.

## I've been refused a place for my child at a local faith school because I don't share the schools' religion. Can they discriminate against my child in this way?

Thanks to [an exception](#) in the [Equality Act 2010](#), schools legally designated with a religious character are permitted to give higher priority in admissions to children, or children of parents, who practice a particular religion.

Voluntary controlled faith schools have their admissions policies set by their local authority, and unless given special dispensation, their admissions policies cannot prioritise children on religious grounds.

It is unlawful for maintained and independent schools to discriminate against a child on the

grounds of a child's (or parent's) religion or belief in school admissions.

## [A teaching job I'm interested in open only to practising Catholics. Is this lawful?](#)

An Equality Act exception means that in schools with a religious character religious discrimination is allowed in appointments.

The provisions governing staff in faith schools are found in Sections 58 and 60 of the School Standards and Framework Act 1998 (SSFA). The rules vary according to the type of state school involved.

Voluntary Controlled and Foundation faith schools can apply religious requirements on up to a fifth of their teachers, including the head teacher. Voluntary Aided faith schools, in contrast, can in theory impose religious requirements on all teaching staff, whatever their duties. Academy schools are governed by similar rules to those governing Voluntary Aided faith schools.

The laws states that "preference may be given in connection with the appointment, remuneration or promotion of teachers, to those whose religious beliefs or religious practice is in accordance with the tenets of the school's religion or religious denomination or who give or are willing to give religious education in accordance with the tenets of the faith." In addition, teachers can be disciplined or dismissed for conduct which is "incompatible with the precepts of the school's religion".

The extent to which faith schools can discriminate is highly contentious. It has been the subject of a European Commission investigation after we raised concerns over its incompatibility with a [Directive](#) which establishes a general framework for equal treatment in employment and occupation.

Ostensibly, the SSFA permits blanket discrimination in voluntarily aided faith schools. In other contexts, away from education, religious organisations are only permitted to discriminate against staff on grounds of religion where a genuine occupational requirement to be of a particular faith can be established. This means discrimination is only permitted where it is proportionate to do so.

We think all teaching and leadership positions in publicly funded schools should be free from religious discrimination. The levels of discrimination permitted by the SSFA certainly go well beyond what could be considered reasonable. If the Government intends religious discrimination in this area to be subject to a proportionality test, it should change the law to reflect this.

If you feel you have been discriminated against and would consider a legal challenge, we'd like to hear from you.

For more information see our [page](#) on employment discrimination at faith schools.

## [I'm concerned about evangelism in my child's school. What can I do?](#)

Schools are forbidden by law from promoting partisan political views during teaching, but there are no such limitations on the promotion of partisan religious views.

We are concerned that state schools are being targeted by evangelical religious groups as part of their missionary work. If you have concerns about evangelising and proselytising in the classroom, we urge you to raise the school's head teacher in the first instance, and if necessary, also with the Governors or LEA.

If you have information or concerns about proselytising teachers or external visitors in a particular school, we would also be keen to hear from you and will be happy to assist you in challenging it.

Some questions you may want to think about are:

1. What are your aims? Are they to (a) stop the group visits (b) put in place appropriate boundaries to prevent proselytization or (c) draw attention to the wider issues of evangelism in schools? We are happy to support you with any or all of these, but it may be best to think about what it is that you would like to achieve.
2. Who else shares your concerns?
3. What is the nature and stated purpose of the visits/involvement in the school of the church?

We always recommend good communications with the school, and recognize that often schools invite groups in or fail to set appropriate boundaries because they have good intentions (external visitors can make a valuable educational contribution) but have been naive or lack experience.

For more information see our [page](#) on evangelism in schools.

## **My child is being taught creationism at school. Is this legal?**

State-funded schools, including free schools and academies, are not permitted to teach creationism as an evidence-based scientific theory. Outside of science lessons, it is permissible for schools to cover creationism as part of religious education lessons or in assemblies as part of collective worship. Unless religion is taught in an objective and critical manner, it's hard to see how the teaching of creationism in this way does not undermine the teaching of established scientific theory. We are therefore concerned that, particularly in religious schools, creationist views are still being promoted in the classroom.

Since 2015, the primary national curriculum in English schools has included a module on evolution as part of the year six programme of study (ages 10-11). Evolution had previously only been taught from year ten (ages 14-15) onwards.

## **My school is being taken over by a religious academy trust, what can I do?**

If your school is being academised (or if already an academy is being rebrokered), and you have concerns about it being taken over by a religious group, some options you might want to consider are:

- Speak to the governing body. We always recommend good communications with the school. It is usually better to assume that the schools is acting in good faith (if a bit naïvely) rather than assuming any nefarious reasoning. That schools are under a lot of pressure to academise is likely to be their main motivating factor.
- Look out for a consultation and ask as many questions as possible. Decide on your aims, what you can hope for and what you might reasonably achieve.
- Speak to local parents. It can sometimes [feel like](#) the school is trying to hide or downplay the involvement of a faith group in the proposed MAT. So don't assume that everyone who may be concerned is aware of this, or that someone sharing the faith of the proposed Trust won't also be concerned.
- Contact your local paper and write to your MP and local education authority about your concerns.
- Write to your local regional schools commissioner asking them to oppose the setting up of the trust or to impose stricter requirements to protect the community school ethos.
- Provide us with any additional information that we can use to raise concerns/add to our research. Joining or supporting the NSS will increase our resources to advocate for a fair secular and inclusive education system.

## [We're a Church of England school and the diocese is forcing us to promote a more vigorous ethos.](#)

Many CofE faith schools have traditionally been 'light touch' but are under pressure to promote a more rigorous religious ethos, often against the wishes of staff, parents and governors. Pressure can come through SIAMS inspections or academisation. If you would like to discuss any of these issues, please [get in touch](#).

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## **Workplace**

**This section is under development.**

The place for religion in the workplace is highly contentious, and regularly tested in the courts and employment tribunals. Everyone has the right to religious freedom, but there is no right to manifest religious beliefs in whatever way you wish, and in whatever setting, free from any consequences.

If you have questions on equality issues in the workplace please feel free to get in touch. Alternatively the Equality and Human Rights Commission has produced some extremely good guidance on religion and belief in the workplace, including FAQs. Click the links below to find out more.

## [Is religion a protected characteristic?](#)

'Religion and belief' is a protected characteristic – in this case 'belief' includes non-religious worldviews. Any workplace equality statements or policies should refer to 'religion and belief'

rather than just 'religion' and must equally protect people of all religions and none. No one should face discrimination because of their religion or belief.

## [I want to apply for a job, but it says that I must be a specific religion](#)

Outside of exemptions for schools, employers are generally not allowed to discriminate on grounds of religion or belief. There is an exception if the employer can demonstrate a Genuine Occupational Requirement (GOR) that the employee needs to be of a particular religion in order to do the job. GORs have a variety of legitimate functions but if misused they are discrimination.

Claimed GORs are common in the third sector. All but the smallest religious charities rely on employees of many faiths and none, but may restrict more senior roles to specific religions.

An employer's preference for someone of a specific religion is not good enough grounds to claim a GOR. Nor is a GOR justified if only a few of the employees duties would require them to be of a particular faith and these can be reallocated.

If challenged the burden is on the employer to prove the GOR is justified – so don't be afraid to just ask if they will reconsider it. They must demonstrate the GOR is a "proportionate means of achieving a legitimate aim". If the employer cannot justify they claimed GOR, then they may be practicing unlawful discrimination. You can contact us about the advert or the [Equality Advisory Service](#).

- [EHRG: Religion or Belief Report](#)

A major report from the Equality and Human Rights Commission says that a "common sense approach to managing religion" in the workplace is needed and that existing legislation is "generally effective". Published December 2016.

[Read More](#)

- [EHRG: Religion or Belief Guide to the Law](#)

The EHRGs 2016 common sense guide to the law for employers.

[Read More](#)

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## Other

This section is under development.

## [I'm concerned about a charity shoebox donation scheme being promoted at my school/workplace/society, is it an](#)



## evangelical scheme?

Operation Christmas Child is run by the Evangelical Samaritan's Purse. Although there are more general concerns about shoebox based appeals, there are specific concerns with OCC. The good news is that there is a lot of information out there (we've pulled some of it together below) and many organisations have abandoned the scheme once these details were brought to light.

The links below should help.

- [Advice for parents wanting to give the evangelical Operation Christmas Child shoebox scheme a wide berth](#) - draws together different sources and background information.
- [Download a template letter](#) urging your school, workplace or society to find a more ethical, educational and effective alternative to Operation Christmas Child.

## I am being persecuted because of my religion/belief and am seeking asylum, can the NSS help?

Many theocratic countries and countries with significant theocratic movements persecute non-believers, religious minorities, converts/apostates and liberal religious believers.

The NSS opposes all forms of religious persecution, and are always sorry to hear of such situations.

We strongly support the view that the UK should do more to support the rights of atheists and religious minorities persecuted by blasphemy laws and that the threat of persecution based on an individual's non-religion should be treated as seriously as the threat of persecution based on an individual's religion should be given equal weight when considering asylum applications.

**Unfortunately we lack the expertise, experience and resources to advise or intervene on individual cases.**

Some options may be:

- Contact the [Council of Ex Muslims of Britain](#), they also have a guide to [Apostasy and Asylum in the United Kingdom](#).
- Ensure you have spoken to an organisation who specialises in asylum advice and that they understand how your non-belief may impact your asylum need, e.g. [Asylum Aid](#).
- Contact the [International Humanist and Ethical Union](#) for any advice they have, and use their database for information on contacting a group within your country of residence.
- [Movements.org](#) – is an organisation set up to support people to stand up for their rights in closed and illiberal societies. They can safely and confidentially link you with activists, experts and supporters inside and outside of your country.
- Maintaining evidence of the persecution you face as an individual, and of the wider threat of persecution of your group. Sources for the latter could include:
  - [Freedom of Thought Report | Documenting discrimination against the non-religious](#)
  - [Human Rights Without Frontiers, freedom of religion or belief reports](#)
  - [Amnesty International country profiles](#)
  - [Foreign & Commonwealth Office freedom of religion or belief guidance](#)

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## Contact

\* Required Field

Contact for Advice
Name: _____
Email*: _____
Postcode: _____
Phone number: _____
Comment: _____

Would you like to receive Newsline – our free weekly roundup of news and opinion?

Yes

Would you like to receive local campaign updates?

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## While you're here

Casework, particularly supporting people with education/schools issues, is a big part of our work. It often goes on behind the scenes and unreported. Please consider making a donation so we can continue to support people where their rights are being undermined by religious privilege.

- [Donate](#)
  - [Join](#)
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