

Collective Worship in Schools

What's the issue?

The law in England and Wales provides that children at all maintained schools “shall on each school day take part in an act of collective worship”. In community schools, the worship must be wholly or mainly of a Christian character.

Britain is the only Western democracy of which we are aware to require any worship in non-religious publicly funded schools.

The NSS believes that imposing compulsory worship by law is a violation of young people's rights. Furthermore, it is neither appropriate, nor practical for the State to impose compulsory worship on any citizen, whether adult or child.

We fully appreciate that school assemblies provide an excellent opportunity to bring members of a school together and create a sense of community; we recognise that assemblies with an ethical framework can make a vital contribution to school life. We do not however believe that it is appropriate to do so within a religious context.

Collective worship and the law

The statutory requirement for collective worship was first introduced by The Education Act of 1944¹, known as the ‘Butler Act’ after the Education Minister, R.A. Butler, who steered the legislation through Parliament.

The law currently requires all maintained schools to provide a daily act of collective worship for their pupils. In community schools, the law states the worship must be ‘wholly or mainly of a Christian character’. In foundation and voluntary schools with a religious character, the act of worship must be undertaken in accordance with the Trust Deeds but will focus on the religion of the school as to practice.

Provisions have been introduced to allow schools to apply for a determination which states the “requirement for Christian collective worship is not to apply”. This determination allows the Christian element of worship to be replaced by that of another faith. However, there is no opportunity for there to be no worship at all.

For England and Wales, the main provisions concerning collective worship can be found in sections 70 and 71 of the School Standards and Framework Act 1998.²

¹ <http://www.legislation.gov.uk/ukpga/Geo6/7-8/31/contents>

In England and Wales Parents have the statutory right under Section 71 of the School Standards and Framework Act 1998 to withdraw their children from RE lessons and acts of collective worship at all maintained schools, including faith schools.³

Sixth-form pupils at mainstream schools and maintained special schools are able to withdraw themselves from collective worship, without the need for a parent's permission. Section 55 of the Education and Inspections Act 2006 amended section 71 of the School Standards and Framework Act 1998 to ensure the right of sixth-form pupils to be excused from attendance at religious worship if they so request. The NSS were instrumental in securing this right for young people.

While the above legislation does not apply to academies and free schools, such schools are usually contractually bound to honour the right to withdraw through their funding agreements.

Circular 1/94: Guidance on collective worship

The law on collective worship in schools is clarified by non-statutory guidance⁴. Despite being published in January 1994, Circular 1/94 remains the most up to date guidance for schools. The guidance states:

“Worship is not defined in the legislation and in the absence of any such definition it should be taken to have its natural and ordinary meaning. That is, it must in some sense reflect something special or separate from ordinary school activities and it should be concerned with reverence or veneration paid to a divine being or power.”

When published, John Patten, the Minister of State for Education at the time described the guidance as a potential “turning point in the spiritual life of this country”. The guidance caused an outcry amongst education professionals. The Association of Teachers and Lecturers asked why circulars were “being used to promulgate Ministers’ personal predilections”.

Circular 1/94 also contains statutory guidance on the teaching of RE in maintained schools. The part relating to RE was superseded with new guidance in January 2010. Unless the requirement for collective worship is removed, the NSS calls for the immediate withdrawal of Circular 1/94 and a consultation on replacement guidance to be initiated as soon as possible.

Teachers

In community schools teachers cannot be required to attend or lead collective worship.

In voluntary controlled and foundation schools with a religious character up to one fifth of their teaching staff can be “reserved teachers”. These are teachers who are chosen for their competence to provide RE and lead worship in accordance with the school's religious ethos. All other staff at these schools will have the same safeguards as those in community schools.

² <http://www.legislation.gov.uk/ukpga/1998/31/part/II/chapter/VI/crossheading/religious-worship>

³ <http://www.legislation.gov.uk/ukpga/1998/31/part/II/chapter/VI/crossheading/exceptions-and-special-arrangements-etc>

⁴ <http://www.secularism.org.uk/uploads/re-and-collective-worship-circular-1-94.pdf>

In voluntary aided faith schools and academies with a religious character, only non-teaching staff enjoy the same safeguards as all staff in community schools.

Arguments against compulsory collective worship

Young people's rights

The legal requirement for pupils to "take part in" collective worship on every school day is a clear breach of young people's human rights. No-one – whether adult or child – should be forced to worship.

Children enjoy the right to freedom of thought, conscience and religion under both Article 9 of the European Convention on Human Rights and Article 14(1) of the UN Convention on the Rights of the Child.

We argue that the state is wrong to impose worship on children, and in doing so, denying young people their fundamental rights.

As long as collective worship is continued in schools, the pupil opt-out from collective worship available to sixth-form pupils at mainstream schools and maintained special schools should be extended to all pupils with sufficient maturity, understanding and intelligence to make an informed decision about whether or not to withdraw themselves. This was the recommendation of Parliament's Joint Committee on Human Rights.⁵ They pointed out that the UK is under an obligation to assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, and to give those views due weight in accordance with the age and maturity of the child.⁶ The latter obligation finds expression in UK law in the concept of "*Gillick* competence", according to which a child should be treated as legally competent to make their own decisions if they have "sufficient maturity and intelligence" to understand the nature and implications of their decision.⁷

Compulsory worship is outdated and unpopular

Up to date statistics on compliance with the law are hard to come by, but it is widely accepted that, in secondary schools at least, there is a high degree of non-compliance.

In September 2011, the BBC commissioned a ComRes poll in which 64% of parents reported that their children did not attend daily worship at school. 70% of parents were not in favour of enforcing the law that prescribes a daily act of worship.⁸

⁵ <http://www.publications.parliament.uk/pa/jt200506/jtselect/jtrights/241/24106.htm> Session 2005/06 25th report para 2.6 (and Appendix 2 - letter from the National Secular Society to Secretary of State for Education dated 16 June 2006) <http://www.publications.parliament.uk/pa/jt200506/jtselect/jtrights/241/24112.htm>

⁶ UN Convention on the Rights of the Child, Article 12(1).

⁷ *Gillick v West Norfolk and Wisbech Area Health Authority* [1986] AC 112, in which the House of Lords held that a girl under the age of 16 had legal capacity to consent to medical examination and treatment, including contraceptive treatment, if she had sufficient maturity and intelligence to understand the nature and implications of the proposed treatment.

⁸ <http://www.secularism.org.uk/collective-worship-in-schools-is.html>

In 2004 David Bell, the then head of Ofsted, abandoned asking inspectors to take provisions for worship into account in their reports after running into a "firestorm of protest" from schools over the issue. At the time, he claimed said 76% of secondary schools were failing to provide for daily worship.⁹

An analysis of SACRE reports from 2004¹⁰, carried out by the Qualifications and Curriculum Authority (QCA) found that compliance with legal requirements for the daily act of collective worship was a "significant problem" for secondary schools. The report said SACREs reported a sense of impotence, as there appears to be either no way of ensuring compliance or of changing the law. There was also a common concern that having unworkable statutory requirements puts schools in an impossible position.

The most recent Ofsted report specifically focused on collective worship (published in 1993) found that 40% of schools inspected didn't comply with legal requirements and in the remainder there were "tensions and difficulties". The report stated that a detailed examination of the evidence from 96 full inspections revealed that not a single school complied fully with the letter of the law.¹¹

Revealingly, the report highlighted one school in greater London where, instead of having to exercise their legal right to withdraw their children from worship, parents were asked to 'opt in'. This resulted in 800 of the 900 pupils withdrawing from collective worship.

A reference to worship in the 2002/03 Ofsted report said "few secondary schools fully met the legal requirements for collective worship".¹²

NSS enquiries to Ofsted and a review of SACRE annual reports have revealed that there is at present virtually no monitoring of compliance, content or quality of religious worship in community schools, but the level of compliance is unlikely to have increased in recent years.

Many teachers have contacted the NSS to express concern that the law actually impedes their schools' ability to provide good inclusive assemblies.

A National Association of Head Teachers (NAHT) survey of 2,346 schools in 1994 found that seven out of 10 heads said they were unable to satisfy a requirement to hold a daily act of Christian worship in their schools.¹³ On publication of the results, the NAHT stated "schools cannot be expected to accept responsibility for promoting daily religious observance when parents themselves do not practise it." A member of the Association's executive went further, saying "*The law is being flouted. We are living a lie and the nation is living a lie*".¹⁴

Local authorities also show little enthusiasm for worship in schools. In its latest report on the work of the SACREs, Ofsted said:

⁹ <http://www.guardian.co.uk/education/2004/jun/11/schools.uk>

¹⁰ <http://www.secularism.org.uk/uploads/qca-sacre-analysis-on-re-and-collective-worship.pdf>

¹¹ <http://www.secularism.org.uk/uploads/ofsted-report-on-re-and-collective-worship-1992-3.pdf>

¹² <http://www.secularism.org.uk/uploads/ofsted-annual-report-0203-part2.pdf>

¹³ <http://www.independent.co.uk/news/uk/schools-disobeying-rules-on-religion-head-teachers-call-for-change-in-law-on-christian-worship-1419607.html>

¹⁴ <http://artsweb.bham.ac.uk/bmms/1994/06June94.html#Schools' inability to deliver on collective worship>

"SACREs monitor levels of non-compliance by reading Ofsted's school inspection reports but have limited success in persuading LEAs to make compliance a priority".¹⁵

It can no longer be justified to continue mandatory collective worship to a captive audience in schools, given that the majority of pupils – in secondary schools at least – are not religious. According to a National Centre for Social Research study¹⁶ two thirds of 12–19 year olds do not regard themselves as belonging to any religion. The long and continuing decline in religious belief has reached a point where in many schools any collective worship is embarrassing to pupils and teachers alike.

Fifty-seven per cent of the population practically never go to church, and another 5 per cent attend less than once a year. The further 17 per cent who attend at least once or twice a year include many people who attend weddings, christenings or funerals, not because they believe but as acts of conformity or out of courtesy to friends or relations. Christian Research forecast normal CofE Sunday attendance in Britain to drop progressively from 1.4 million in 1990 to less than 0.1million in 2050.¹⁷

These statistics make it clear that the compulsory act of predominantly Christian worship in schools is outdated and out of step with the attitudes of the majority of the population.

In a speech in 2004 to commemorate the 60th anniversary of the 1944 Education Act, the chief inspector of schools, David Bell, said:

"As an expression of spirituality, collective worship is much more contestable now than it was in Britain in the 1940s. At that time, Butler was unequivocal that the statutory requirement for collective worship, first introduced by his 1944 Act, would be widely welcomed. But it is a plain fact that the act of collective worship is not altogether unproblematic in our schools today."¹⁸

The law as it stands is the legacy of a society unrecognisable from the pluralistic, liberal Britain of today where citizens hold a wide variety of religious beliefs, including no religious belief. This change is reflected in membership of the CofE which has dropped from around 3.2 million in 1944 to less than half that in 2010.¹⁹

Forced worship is unworthy of an education system in a modern secular democracy and survives only because of religious pressure, particularly from Church of England Bishops. An indication of the power Bishops hold in this area can be seen from the Government response to an appeal from a head to remove worship from his school. Dr Paul Kelley, head of Monkseaton High School in Tyneside was told establishing non-religious education at his school would be 'politically impossible'.²⁰

¹⁵An evaluation of the work of Standing Advisory Councils for Religious Education - November 2004
<http://bit.ly/p2KWzY>

¹⁶ Young People in Britain: The Attitudes and Experiences of 12 to 19 Year Olds (Publ 2004) ISBN 1 84478 291 3
¹⁷ Religious Trends No 7 (2007/2008) ISBN: 9781853211768

¹⁸ <http://www.guardian.co.uk/education/2004/apr/21/ofsted.schools>

¹⁹ Per Religious Trends by Christian Research and Major UK Religious Trends (both edited by Dr Peter Brierley)

²⁰ <http://www.guardian.co.uk/uk/2007/sep/23/schools.faithschools>

Compulsory worship in schools is also amongst the most common concerns of people who contact the NSS. The below comment is a typical of the many emails we receive on the subject:

“At my non-denominational school in the mid 1990s, when I sat quietly with eyes open while other pupils took part in prayer I was told off by the Deputy and forced to pray. No one should ever be forced to pray for something they do not believe in. Collective worship puts many teenagers in a situation where they feel compelled to pray or risk being singled out.”

The NSS recommends the legal requirement for schools to provide worship and for pupils to ‘take part in’ an act of collective worship should be removed.

Our position is shared by many teaching unions, religion and belief groups and academics. The RE Council of England and Wales, the National Association of SACREs and the Inter Faith Network for the UK also recommended the withdrawal of compulsory worship in their joint Report of the 1997 Consultation.²¹

The right to Withdrawal – an unsatisfactory solution

While parents do have the right to withdraw children from collective worship, for many parents this is an unsatisfactory option as they feel it is unfair to exclude and separate their children from classmates – which can lead to difficulties for children identified by their peers as being ‘different’. There should be no reason for parents to feel the need to withdraw children from any part of the school day on grounds of their religious or non religious beliefs.

Withdrawing children from collective worship is also often impractical because pupils then have to be found alternative activities and may also miss important elements of the school assembly. The following comment, from one of our members, is typical if the sentiments expressed in emails we regularly receive:

“I refuse to have my children made to feel different by accepting the offer to “opt-out” of religious assemblies”

Cohesion

We fully appreciate that school assemblies provide an excellent opportunity to bring members of a school together, creating a sense of community; we recognise that assemblies with an ethical framework can make a vital contribution to school life.

We do however argue that collective worship element of assemblies is counter-cohesive, particularly in multicultural areas, where community cohesion is needed most. Rather than emphasise that which most divides us, we would prefer to see secular school assemblies where pupils of all faiths and none can participate and be valued equally.

²¹ *Collective Worship Reviewed*: Report of the 1997 Consultation carried out by the RE Council of England and Wales, the National Association of SACREs and the Inter Faith Network for the UK.

The current arrangements have also led to the resignations of staff unable to resolve the tensions resulting from the inflexibility of the law the, particularly in schools with a multi-faith intake.²²

The discriminatory ‘determination’

Given that provisions have been made enabling schools to apply for ‘determinations’ that remove the requirement for specifically ‘Christian’ collective worship, it is discriminatory that there is no opportunity for there to be no worship at all.

A determination to opt out of worship is necessary for many schools where teachers recognise that inclusive, educational assemblies dealing with ethical issues can be held without the need for ‘reverence or veneration being paid to a divine being or power.’²³ Such teachers recognise that religious worship can be divisive or at odds with the beliefs of the vast majority of pupils within their school.

Without the ability to opt out of worship, head teachers, acting in the best interests of their pupils, are being forced to act outside of the law. Despite this, there clearly remains a high level of non-compliance with the law on collective worship, particularly in community secondary schools. Such widespread flaunting of unnecessary obligations brings the law itself into disrepute.

We therefore believe that schools that do not wish to have any worship at all entitled to have the law recognise their situation – and should have the freedom to decide for themselves.

Campaign: What we have done

The National Secular Society has long campaigned for an end to compulsory worship in schools and uses every possible opportunity to challenge the existing legislation.

In 2006, the NSS won a hard fought campaign²⁴ to ensure that sixth-form pupils at mainstream schools and maintained special schools were able withdraw themselves from collective worship, without the need for a parent’s permission. Our lobbying resulted in an amendment to Section 55 of the Education and Inspections Act²⁵ which now states:

"If a sixth-form pupil requests that he may be wholly or partly excused from attendance at religious worship at a community, foundation or voluntary school, the pupil shall be so excused."

In 2011 we worked with Peers in the House of Lords to put down amendments to the Education Bill. Amendments, tabled by NSS honorary associate Lord Avebury, sought to make the provision of and attendance at collective worship optional. This provoked the most comprehensive debate on collective worship in England for many years.²⁶ Lord Avebury concluded the Lords’ debate stating: *“This is going to happen in the end”* ...

²² <http://www.timesonline.co.uk/tol/news/uk/education/article5697694.ece>

²³ Government guidance on Religious Education and Collective Worship– Circular number 1/94.

²⁴ NSS Bulletin Autumn 2006 <http://www.secularism.org.uk/uploads/3545534b9653e08315767152.pdf>

²⁵ <http://www.legislation.gov.uk/ukpga/2006/40/section/55>

²⁶ <http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/110718-gc0001.htm#11071823000130>

“whether they like it or not, it is going to come. Sooner or later we shall get rid of the act of compulsory worship in schools, and the sooner the better.”

No votes were taken at this stage.

In June 2011 we met with the Minister of State for Schools, Nick Gibb MP, to ensure he was aware of the reasoning behind our opposition to compulsory worship and to find ways forward on this important issue. A series of meeting have since followed with the DfE, who are keen to engage and understand our amendments and objectives.

Amendments to the Education Bill have been re-tabled at report stage of the Education Bill.

Campaign: What you can do

Using the arguments in this briefing, please contact your MP to express your objections to compulsory worship in schools. Writing to your MP is a great way to get our message across. For every constituent who makes the effort to write a letter, MPs often assume there are many more constituents who are concerned about that issue, but don't bother writing.

Look for petitions to end collective worship at the HM Government e-petitions website. e-petitions is an easy way for you to influence government policy in the UK. Any member of the public can create an e-petition about anything that the government is responsible for and if it gets at least 100,000 signatures, it will be eligible for debate in the House of Commons. Visit <http://epetitions.direct.gov.uk/>.

Scan your local media for any articles about undue religious influence in schools. The local media are also always looking for stories, particularly those with a specific community angle. Taking part in radio phone-ins and writing letters to the local paper is also a great way making sure the secular point of view is heard. Try to make your letters clear and succinct and of interest to the wider public.

If you have been affected by any issues covered by this briefing, or feel you has been discriminated against because of your religion and belief we would like to hear from you. Case studies can form a powerful part of our campaigns as they serve to demonstrate that the issues that concern us are not just theoretical, but actually disadvantage real people.