

## Briefing: Collective Worship in Schools

The National Secular Society seeks an end to the law that requires schools to hold acts of worship. We would instead like to see a duty on schools to ensure that all aspects of its curriculum, including assemblies, are respectful and inclusive of all pupils, regardless of their religion or belief, including non-belief.

### What's the issue?

School assemblies are an important feature of school life. Inclusive assemblies can play an important role in fostering a sense of community in schools. Assemblies with an ethical dimension are also an ideal time within the school day to promote the spiritual, moral, social and cultural (SMSC) development of pupils.

Acts of worship are neither necessary nor desirable to achieve these important educational goals.

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". Even in schools with no religious designation, the worship must be "wholly or mainly of a Christian character".

The law as it stands is an anachronism; the legacy of a society unrecognisable from the diverse and pluralistic Britain of today where citizens hold a wide variety of religious beliefs and, increasingly, no religious beliefs.

Particularly in non-faith schools, school communities are made up pupils from a variety of religion and belief backgrounds. Even with limited withdrawal rights, requiring acts of 'broadly Christian' worship, in which pupils by law are required to "take part", undermines young people's freedom of religion or belief.

We maintain that laws that mandate worship go beyond the legitimate function of the state. It is notable that the United Kingdom is the only Western democracy to legally impose worship in publicly funded schools.

The obligation to provide acts of worship should be lifted, enabling schools to provide meaningful and relevant assemblies for all pupils, regardless of their religion or belief background.

## The legal requirement

The statutory requirement for collective worship was first introduced by The Education Act of 1944<sup>1</sup>, 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 in England and Wales 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".<sup>2</sup> 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.

The main provisions concerning collective worship in maintained schools can be found in sections 70 and 71 of the School Standards and Framework Act 1998.<sup>3</sup>

Free Schools and Academies have the same requirement to provide collective worship under the terms of their Funding Agreement with the Secretary of State. The nature of the Collective worship in such schools is determined by the school's funding agreement.

## The right to withdraw

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.<sup>4</sup>

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 National Secular Society was instrumental in securing this right for young people.

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

## Teaching staff

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.

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

<sup>2</sup> Schedule 20 of the SSFA 1998 <http://www.legislation.gov.uk/ukpga/1998/31/schedule/20>

<sup>3</sup> <http://www.legislation.gov.uk/ukpga/1998/31/part/II/chapter/VI/crossheading/religious-worship>

<sup>4</sup> <http://www.legislation.gov.uk/ukpga/1998/31/part/II/chapter/VI/crossheading/exceptions-and-special-arrangements-etc>

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.

## Determination

Schools can apply for a determination from the local authority to replace the Christian element of worship with that of another faith. Schools are not permitted to opt out of worship altogether.

The Government says that a determination ensures schools can ensure collective worship reflects the religious backgrounds represented in its community.

According to a *Daily Telegraph* investigation in 2010, more than 230 schools have replaced Christian worship in favour of Islamic or multi-faith worship.

## Definition of worship: Circular 1/94

The law on collective worship in schools is clarified by non-statutory guidance<sup>5</sup>. 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 first 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”.

The government has recently signalled that schools are no longer constrained by advice contained in the circular – although they are still bound by the legal requirements.

## Arguments against compulsory collective worship

### Young people’s religious freedom

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.

The legal requirement for pupils to “take part in” collective worship on every school day fundamentally undermines the religious freedom of children and young people. No one – whether adult or child – should be forced to worship.

If any form of 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.

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<sup>5</sup> <http://www.secularism.org.uk/uploads/re-and-collective-worship-circular-1-94.pdf>

This was the recommendation of Parliament's Joint Committee on Human Rights.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup>

## Collective worship is unpopular and unenforced

The law requiring compulsory acts of worship in schools is unpopular with both parents and schools.

In a BBC commissioned ComRes poll (September 2011), Just 30% of parents surveyed said the law that prescribes a daily act of worship should be enforced.<sup>9</sup>

The National Governors' Association (NGA), which represents 300,000 school governors in England, also recommends that the religious element of daily school assemblies should be scrapped.

The NGA describe the current law as "an anomaly in a multicultural nation". Its policy on the issue, states:

*"Few schools can or do meet the current legislative requirement for a daily act of collective worship, partly because there isn't space in most schools to gather students together, and often staff are unable or unwilling to lead a collective worship session. There is also the added issue that worship implies belief in a particular faith - if the 'act of worship' is not in your faith then it is meaningless as an act of worship."*

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 the before mentioned BBC commissioned ComRes poll, 64% of parents reported that their children did not attend daily worship at school.

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 76% of secondary schools were failing to provide for daily worship.<sup>10</sup>

An analysis of SACRE reports from 2004<sup>11</sup>, carried out by the Qualifications and Curriculum Authority (QCA) found that compliance with legal requirements for the daily act

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<sup>6</sup> <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>

<sup>7</sup> UN Convention on the Rights of the Child, Article 12(1).

<sup>8</sup> *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.

<sup>9</sup> <http://www.secularism.org.uk/collective-worship-in-schools-is.html>

<sup>10</sup> <http://www.guardian.co.uk/education/2004/jun/11/schools.uk>

<sup>11</sup> <http://www.secularism.org.uk/uploads/qca-sacre-analysis-on-re-and-collective-worship.pdf>

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.<sup>12</sup>

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”.<sup>13</sup>

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.

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.<sup>14</sup> 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”*.<sup>15</sup>

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

*“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”*.<sup>16</sup>

In 2007, one head teachers attempt to challenge the legal requirement was blocked by senior government officials who called it a 'political impossibility'. Dr Paul Kelley, head of Monkseaton High School in Tyneside was told that daily worship can be based on a different religion, but no option exists for schools that want no worship at all.<sup>17</sup>

Our desire to end compulsory worship in schools is shared by a number of 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

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<sup>12</sup> <http://www.secularism.org.uk/uploads/ofsted-report-on-re-and-collective-worship-1992-3.pdf>

<sup>13</sup> <http://www.secularism.org.uk/uploads/ofsted-annual-report-0203-part2.pdf>

<sup>14</sup> <http://www.independent.co.uk/news/uk/schools-disobeying-rules-on-religion-head-teachers-call-for-change-in-law-on-christian-worship-1419607.html>

<sup>15</sup> <http://artsweb.bham.ac.uk/bmms/1994/06June94.html#Schools' inability to deliver on collective worship>

<sup>16</sup> An evaluation of the work of Standing Advisory Councils for Religious Education - November 2004  
<http://bit.ly/p2KWzY>

<sup>17</sup> <http://www.guardian.co.uk/uk/2007/sep/23/schools.faithschools>

recommended the withdrawal of compulsory worship in their joint Report of the 1997 Consultation.<sup>18</sup>

## Collective worship is out of date

The law as it stands is an anachronism; the legacy of a society unrecognisable from the diverse and pluralistic Britain of today where citizens hold a wide variety of religious beliefs, including no religious belief.

The 2013 British Social Attitudes survey revealed that 50.6% of the population now claim to have no religion. The proportion of the British population who identify themselves as Anglican has more than halved in the past ten years, with just 41.7% now regarding themselves as Christian. 4.6% self-identify as Muslim, 1.5% as Sikh, 1.5% as Hindu and 0.5% as Jewish.

According to a National Centre for Social Research study<sup>19</sup> two thirds of 12–19 year olds do not regard themselves as belonging to any religion.

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 then chief inspector of schools, David Bell, remarked:

*“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.”<sup>20</sup>*

## The right to Withdrawal – an unsatisfactory solution

Parents have the right to withdraw children from collective worship, but many parents regard this as an unreasonable imposition on both themselves and their children.

Particularly in non-faith schools, there should be no reason why parents should have to withdraw their children from any part of the school day in order to ensure their rights to raise their child in accordance with their own religious or philosophical convictions are respected.

Many parents feel it unfair to exclude and separate their children from classmates – as withdrawal can lead to difficulties for children being identified by their peers as being ‘different’.

Withdrawing children from collective worship is also often impractical. Where acts of worship are held, they are often not separate and distinct from other aspects of the school day. Complete withdrawal from school assembly can mean children miss out on other important elements of school life.

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<sup>18</sup> *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.

<sup>19</sup> *Young People in Britain: The Attitudes and Experiences of 12 to 19 Year Olds* (Publ 2004) ISBN 1 84478 291 3

<sup>20</sup> <http://www.guardian.co.uk/education/2004/apr/21/ofsted.schools>

Due to practical difficulties, many schools also struggle to accommodate requests to withdraw, often leaving parents made to feel like they're the ones being unreasonable. In some cases, parents have been asked to come in and supervise withdrawn children themselves. In other cases withdrawn children have been supervised in ways more akin to punishment than suitable alternative provision.

## Duty to promote SMSC

All schools have a duty to promote the spiritual, moral, social and cultural development of pupils.

A legal requirement on schools to provide worship is not necessary for schools to fulfil this duty. Explicit opportunities to promote pupils' development in these areas are provided in religious education and the non-statutory framework for personal, social and health education (PSHE) and citizenship.

School assemblies with an ethical framework can also make a valuable contribution to the spiritual, moral, social and cultural development of pupils. Acts of worship are not required to achieve these important educational goals.

## Duty to promote social cohesion

Schools have a legal duty to promote community cohesion. Inclusive school assemblies provide an ideal opportunity to bring members of a school together and create a sense of community.

Social cohesion is not best served by school assemblies which give preferential status to the values of a particular faith or belief position.

In this way, the obligation to conduct a daily act of collective worship that is "wholly or mainly of a Christian character" can be counter-cohesive, particularly in multicultural areas, where community cohesion is needed most.<sup>21</sup>

Determinations to change the nature of the worship simply allows another set of religious beliefs to dominate and take prominence in schools.

In the interests of equality and social cohesion, the obligation on schools to provide worship should be replaced with a duty to ensure that school assemblies are respectful and inclusive of all pupils, regardless of religious or non-religious belief.

## Campaign: Take action!

The last opportunity to remove this obligation on schools came during the passage of the Education Act in 2011. An amendment put down by Lord Avebury, a Buddhist and NSS honorary associate, would have given schools with no religious character the freedom to decide for themselves whether or not to hold acts of religious worship.

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<sup>21</sup> The current arrangements have 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.

Even that modest proposal was rejected out of hand by the Government and Church of England bishops in the Lords.

We're now calling on all political parties to commit to ending compulsory worship in schools. Here's how you can help us:

- [Sign the petition](#) at Charge.org calling on political parties to commit to ending compulsory worship in schools
- [Contact your MP](#). Using your experiences and the arguments in this briefing, please contact your MP to express your objections to compulsory worship in schools. The law requiring worship will eventually change; it is just a question of when. It is important that people make their views known to their MPs as it will take a groundswell of public opinion to give the Government the backbone to stand up to the Church on this issue.
- [Share your story](#). If you or your child had faced difficulties over worship in schools, please tell us about it. 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.
- Raise the issue in local media. 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 local 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.

For more information please contact

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