



September 2020

Curriculum and Assessment (Wales) Bill:

# A response to the Children, Young People and Education Committee consultation

Submitted online to [smartsurvey.co.uk/s/3EO06Q/](https://smartsurvey.co.uk/s/3EO06Q/) with copy by email to [SeneddCYPE@senedd.wales](mailto:SeneddCYPE@senedd.wales)

- 1 This submission is made by the National Secular Society (NSS). The NSS is a not-for-profit non-governmental organisation founded in 1866, funded by its members and by donations. We advocate for separation of religion and state and promote secularism as the best means of creating a society in which people of all religions and none can live together fairly and cohesively. We seek a diverse society where all are free to practise their faith, change it, or to have no faith at all. We uphold the universality of individual Human Rights, which should never be overridden on the grounds of religion, tradition or culture.

## 1.1 Do you support the principles of the Curriculum and Assessment (Wales) Bill?

- 2 Yes.

## 1.2 Please outline your reasons for your answer to question 1.1

- 3 The National Secular Society has been actively engaged in discussions regarding the new curriculum. We have submitted constructive responses to all consultations the surrounding the new curriculum project, including:
  - Legislative proposals for religion, values and ethics in the Curriculum for Wales Framework<sup>1</sup>
  - Ensuring access to the full curriculum<sup>2</sup>
  - A transformational curriculum – proposals for a new legislative framework<sup>3</sup>
  - Draft guidance on relationships and sexuality education<sup>4</sup>
- 4 Our main areas of interest have been in reforming religious education (RE/RVE) and relationships and sexuality education (RSE), as these are the areas where religious privilege has most impinged on the rights of Welsh pupils and families in education.

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<sup>1</sup> <https://www.secularism.org.uk/uploads/nss-response-to-rve-legislative-proposals.pdf?v=1595865301>

<sup>2</sup> <https://www.secularism.org.uk/uploads/ensuring-access-to-the-full-curriculum-nss-consultation-response-4.pdf>

<sup>3</sup> <https://www.secularism.org.uk/uploads/a-transformational-curriculum-proposals-for-a-new-legislative-framework---nss-response.pdf>

<sup>4</sup> <https://www.secularism.org.uk/uploads/draft-guidance-on-relationships-and-sexuality-education---nss-response.pdf>

## Religion, values and ethics (RVE)

- 5 We welcome efforts to make this subject area broader and more pluralistic, particularly by including greater emphasis on the non-religious beliefs and other philosophical convictions held by the majority of Welsh citizens. This is essential for pupils to “engage with, and appreciate, the pluralistic society in which they live”.
- 6 We are grateful that the government has moved away from the limiting language of including only beliefs that are “analogous to religion”. The standard of protected philosophical convictions as developed through human rights case law is clearly more appropriate.
- 7 However, we are disappointed that the language in Section 375 of the Bill continues to frame religion and Christianity in particular as the default. We are disappointed that the more inclusive language regarding the diversity of beliefs in Wales proposed at earlier stages has been compromised on.
- 8 The objections noted in the explanatory notes by some faith groups to the name change “to reflect a broader scope” highlight the need for strong inclusive language to address those seeking to continue the marginalisation of non-religious beliefs and identities within the subject.
- 9 We welcome the explicit acknowledgment of the importance of pupils learning about secularism – which is accurately, albeit limitedly, defined as “the principle of keeping religion separate from civic and state matters.”
- 10 It is our long-standing contention that the system of SACREs and ASCs is educationally inappropriate. We believe that a national agreed syllabus developed by educational experts with regard to statutory guidance is necessary to liberate the subject from special interest groups; what *Reforming Religious Education: Power and Knowledge in a Worldviews Curriculum* (an anthology of academics and practitioners) have called “producer communities”.
- 11 However, while the system of SACREs and agreed syllabus conferences continues, we welcome the requirement that they must have regard to statutory guidance as this may address some of the inequities and inconsistencies between locally agreed syllabi.
- 12 We welcome the government’ efforts to introduce reforms that can deliver an RVE syllabus and system that is genuinely pluralistic and balanced in nature – one that guarantees all children across Wales access to a religious and ethical education fit for the 21<sup>st</sup> century and that shows Wales leading the way across the UK when it comes to the teaching of RVE.
- 13 We deeply regret that by permitting faith schools to continue to use the subject to promote their particular religious outlook through the denominational syllabus, many pupils in Wales will continue to be denied access to genuinely non-partisan and balanced education about the full range of religious and non-religious worldviews. **We believe this should be the right of every child, irrespective of the type of school they attend.**
- 14 **If the ambition is for every child to have universal entitlement to a broad and balanced curriculum, we believe implementing a duty on all schools to teach an objective, critical, and pluralistic RVE syllabus, without exception, must be the starting point.**

- 15 We therefore urge you to extend the duty to teach pluralistic RVE in accordance with the agreed syllabus to all schools, regardless of religious designations.**
- 16 Schools with a religious character should not be prevented from offering additional and voluntary extracurricular provision in accordance with the tenants of their faith where demand exists.
- 17 We cannot emphasise enough that schools cannot be regarded as homogenous faith communities. The evidence is clear that families largely do not choose faith schools based on their religious ethos, and do not necessarily wish to opt into a religious community by virtue of their school choice.

### **Relationships and sexuality education (RSE)**

- 18 The National Secular Society has strongly supported the Welsh government's intention to make RSE statutory and embedded in a rights-based approach. Experience has shown that while many schools deliver outstanding RSE making the subject statutory is the only way to ensure consistency and quality across-the-board.
- 19 The change from SRE to RSE is positive because the stress is on the range of human interactions and relationships, rather than just romantic or sexual relationships. The change from sex to sexuality is also positive because it emphasises a more personal and less clinical focus more relevant to each individual pupil.
- 20 There is an extremely broad base of support across the education, youth and equality sectors for making RSE a statutory and compulsory part of the curriculum. In particular the UN Committee on the Rights of the Child have noted with concern that: *"Relationships and sexuality education is not mandatory in all schools, its contents and quality varies depending on the school, and LGBT children do not have access to accurate information on their sexuality."*<sup>5</sup>
- 21 The provision for RSE in this Bill will enable the Welsh government to meet its obligations under the Convention on the Rights of the Child to: *"Ensure that meaningful sexual and reproductive health education is part of the mandatory school curriculum for all schools, including academies, special schools and youth detention centres, in all areas of the State party. Such education should provide age-appropriate information on: confidential sexual and reproductive health-care services; contraceptives; prevention of sexual abuse or exploitation, including sexual bullying; available support in cases of such abuse and exploitation; and sexuality, including that of LGBT children."*

### **1.3 Do you think there is a need for legislation to deliver what this Bill is trying to achieve?**

- 22 Yes.
- 23 We believe it is agreed by almost all stakeholders that legislative changes are needed to deliver the wide-ranging aims of the curriculum reform project. Much of the legislation surrounding the curriculum dates from before devolution. A curriculum for Wales in the 21<sup>st</sup>-century requires legislation crafted in Wales, by its elected representatives in this century.

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<sup>5</sup> <https://www.secularism.org.uk/news/2016/06/un-childrens-rights-committee-calls-on-uk-to-abolish-compulsory-worship-in-schools>

## 2.1 Do you have any comments about any potential barriers to implementing the Bill?

### Religion, values and ethics (RVE)

- 24 While many of the proposals related to RVE and RSE enjoy widespread support across faith and belief communities, there is significant opposition from some faith lobby groups. In particular the Catholic Education Service are campaigning to reverse the proposed reforms on RVE, because of their opposition to pluralistic and critical approaches to religious education, which they feel undermine faith schools 'ethos'.<sup>6</sup>
- 25 It is true that the need to provide for both denominational and pluralistic RVE options will place an additional burden on faith schools. This though is a problem entirely of their own making. The concession allowing them to continue teaching a denominational RVE option is a result of their own intransigence and unreasonable objection to the government's original and long-standing commitment to make RVE critical and pluralistic in all schools. If the CES objects to any additional complexity for faith schools, then the obvious solution is to bring in RVE in line with the proposed pluralistic option in all schools in Wales. Where appropriate, confessional RVE could be offered as a strictly voluntary extra-curricular activity.
- 26 The proposal to remove the right to withdraw faces potential legal barriers. Without a right to withdraw the delivery of RVE will be liable to legal challenge where it is not genuinely "objective, critical, and pluralistic". The right of withdrawal currently exists to protect parents' and children's rights under Article 9 of European Convention on Human Rights (ECHR), which provides a right to freedom of thought, conscience and religion. There is a large body of human rights case law that suggests that scrapping this right will be unlawful.

### Relationships and sexuality education (RSE)

- 27 The introduction of statutory RSE in England and Scotland has unfortunately led to high profile campaigns over the last two years, coordinated largely by conservative religious opponents to RSE, with a particular focus on anti-LGBT rhetoric and encouraging parents to withdraw. Thankfully there have not been similar disruptions in Wales. However, the government should remain alive to this possibility, and be prepared to bring out additional guidance if necessary. It is important to robustly address misinformation and ensure that any such campaigns do not undermine the welfare of pupils or teachers.

## 3.1 Do you think there are there any unintended consequences arising from the Bill?

### Religion, values and ethics (RVE)

- 28 The option to request pluralistic RVE in schools with a religious character will be a positive development for many parents who feel their parental rights and their children's rights are compromised or infringed by the teaching of denominational religious education. In our experience, the vast majority of parents, even those who feel they must withdraw from their school's RE, are keen for their children to learn about a diversity of religions and beliefs, provided this is delivered in an impartial manner.

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<sup>6</sup> <https://www.secularism.org.uk/news/2020/07/nss-urges-ministers-to-reject-catholic-leaders-pleading-over-re>

- 29 However, making pluralistic RVE an option rather than standard raises significant issues. This will introduce a dual system regarding the teaching of RVE across Wales which will result in a divisive approach to how the subject is taught.
- 30 Faith schools running two RVE syllabi in parallel, one objective and one confessional, will also introduce additional burdens on schools and create confusion for parents, pupils, and teachers. It should however be recognised that this burden will be entirely of their own making by refusing to adopt a pluralistic model and disregarding the independent rights of pupils.
- 31 Faith schools in Wales vary widely in terms of how 'robustly' they promote their religious ethos. There is a real possibility that some schools will pressure parents to 'choose' the denominational RVE 'option' – or at least deter them from opting for the pluralistic model.
- 32 We are therefore concerned that parents may feel uncomfortable about requesting a model of RE different to the one supported by the school. The pluralistic model should be proactively offered to all parents, and not only offered upon request. Otherwise, there is a real risk that the agreed pluralistic RVE option may be under resourced and stigmatised.
- 33 This is exacerbated by the fact that faith schools will only have to develop the alternative syllabus if requested by parents, creating an additional incentive for them to discourage requests. At the very least, there should be a duty on faith schools to develop the pluralistic option and to make it of equal worth.

#### **Relationships and sexuality education (RSE)**

- 34 The aims of this bill and the curriculum reform are seriously undermined by continuing to allow faith schools to teach RSE through a religious ethos. In our report *Unsafe Sex Education: The risk of letting religious schools teach within the tenets of their faith*, (Welsh appendix), we found that all secondary faith schools in Wales with a policy taught RSE in accordance with a faith ethos. Such euphemistic language often provides cover for schools preaching shame based and discriminatory attitudes and distorting or withholding information about LGBT people, contraceptives and abortion.<sup>7</sup>
- 35 The bill should either (ideally) do away with this provision, or more clearly define it in order to ensure that it is not used to undermine inclusive, comprehensive, accurate and rights based RSE.

#### **For more information, please contact**

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<sup>7</sup> <https://www.secularism.org.uk/uploads/unsafe-sex-education-welsh-faith-schools-may-2018.pdf>