

CAW165 Dr Caroline Maybury, Foundation Governor, St Padarn's Roman Catholic Primary School

Consultation on the Curriculum and Assessment (Wales) Bill

Evidence submitted to the [Children, Young People and Education Committee](#) for Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill.

About you

Dr Caroline Maybury, Foundation Governor, St Padarn's Roman Catholic Primary School

1. The Bill's general principles

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

Partly

1.2 Please outline your reasons for your answer to question 1.1

(we would be grateful if you could keep your answer to around 1500 words)

There are certain elements of the Bill that I strongly disagree with and by formulating the question 'Do you support the principles of the Curriculum and Assessment (Wales) Bill?' as the leading question in this consultation means that any objections to the Bill will be summarily overlooked. This is evidenced by the list of so called 'supporting documents' given on the Senedd's website at:

<https://business.senedd.wales/mgConsultationDisplay.aspx?id=402&RPID=1018418106&cp=yes>

If any organization or individual answers 'yes' to the above question they will be recorded as supporting the bill when de facto they may harbour serious reservations.

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

(we would be grateful if you could keep your answer to around 500 words)

I welcome the legislation to deliver what the Bill is trying to achieve in general, but there are certain elements of the Bill which infringe the ECHR in terms of parental rights and religious freedom. These I do not support.

2. The Bill's implementation

2.1 Do you have any comments about any potential barriers to implementing the Bill? If no, go to question 3.1

(we would be grateful if you could keep your answer to around 500 words)

The Curriculum and Assessment Bill is in direct contravention of Article 2 of the First Protocol and Article 9 of the HRA UK 1998 which precludes the Senedd from establishing new types of education against the will and rights of the people.

Article 2 of the First Protocol states that the state is not required 'to establish new types of education, rather it gives individuals a right to access educational facilities that already exist.'

'Article 2 of the First Protocol also provides that the State must respect the right of parents' religious and philosophical convictions in respect of education and teaching. This aspect of the right is closely aligned the right to freedom of religion in Article 9. This right belongs to the parent rather than the student.'

'This right does not prevent the State from setting and planning the school curriculum, but it does require the matters in the curriculum to be conveyed in an objective, critical and pluralistic manner so that parents' different religious and philosophical convictions are respected'. This has always been the case in Roman Catholic schools and their Section 50 Inspection Reports support this good praxis. The conveyance of the curriculum in such schools has always been and will always be carried out 'in an objective, critical and pluralistic manner so that parents' different religious and philosophical convictions are respected' as this is the very core or kerygma of its Church teaching, which recognizes 'that

all human rights spring from the dignity of the human person' (Pope Saint John XXIII, encyclical letter *Pacem in Terris*, 11 April 1963, paragraphs 9-27) loved and graced by God.

It is a notable omission that this questionnaire states that evidence herein will be 'submitted to the children, young people and Education Committee for Stage 1 scrutiny of the Curriculum and Assessment (Wales) Bill' yet the HRA specifically emphasizes that the right to religious freedom 'belongs to the parent rather than the student'.

Additionally, Article 2 of the First Protocol of the Human Rights Act UK 1998 is totally in line with *Gravissimum Educationis* 28 October 1965: The Second Vatican Council's Declaration on Christian Education which, at paragraph 3, states 'as it is the parents who have given life to their children, on them lies the gravest obligation of educating their family. They must therefore be recognized as being primarily and principally responsible for their education. The role of parents in education is of such importance that it is almost impossible to provide an adequate substitute'. Yet the Senedd seeks to erode this primary duty and right of parents with respect to their children's education by curtailing their autonomy and primacy of choice.

Further, the Senedd's Impact Assessment of September 2019 (V2) on pages 16-17 under the title 'Evidence and Consultation' gives proof of consultation, but no evidence of the findings from that consultation other than of 'over 700 responses' '300 were from learners themselves'. This is hardly a viable, statistically significant consultation. According to the British Educational Suppliers Association there are 468,838 children at school in Wales, so the consultation only provided evidence from 0.06% of one cohort consulted and no evidence from parents and educational practitioners. The Senedd's consultation process is consequently significantly and fundamentally flawed.

At section 7.2 of the September 2019 IA it is noted that 'the most significant direct impacts would be on parents, because they would not be able to withdraw their children from RE or RSE' yet the authors of this IA fail to elaborate on how this significant and direct impact will be mitigated. The impact on children's rights is discussed on pages 17-18, but nowhere are the parents' rights discussed. This omission or oversight is a grave social injustice, given the parents' role as the 'primary educators of their children'.

2.2 Do you think the Bill takes account of these potential barriers?

(we would be grateful if you could keep your answer to around 500 words)

The Bill clearly ignores these potential barriers as set out in section 2.1 above.

With reference to Article 9 of the HRA UK 1998 'we all have the right to express ourselves freely and hold our own opinions – even if our views are unpopular or could upset or offend others.

Article 9 of the Human Rights Act protects our freedom of thought and conscience, as well as our religion or beliefs.

This freedom is fundamental to living in an open, tolerant and diverse society – where people can think, believe and subscribe to a multitude of views, religions and teachings.

Article 9 protects:

'the freedom to change religion or belief

the freedom to exercise religion or belief publicly or privately, alone or with others

the freedom to exercise religion or belief in worship, teaching, practice and observance, and

the right to have no religion (to be atheist or agnostic) or to have non-religious beliefs protected (such as a belief in the need for urgent action to tackle climate change or philosophical beliefs such as pacifism or veganism)'.

Freedom of religion does not prevent there being state-approved religious institutions – such as the established Church in Wales and Disestablished Roman Catholic schools – but no one can be forced to join these churches or schools or to be involved in their activities or pay taxes to them. Freedom is maintained at all levels and to deny parents the right to withdraw their children from RE and RVE is an affront to human liberty, freedom of worship and basic human rights as protected by Article 9 of the Human Rights Act UK 1998.

'If the State's role is to encourage tolerance of all religions or non-religions it should respect that activities are regulated, this must be done with complete neutrality.

It won't generally count as an interference with our right to exercise, or manifest, our religion or belief if we are left with a choice as to whether or not to comply with their religious obligations.

However, there will be interference if restrictions make it practically difficult or almost impossible to exercise our religion or belief.'

3. Unintended consequences

3.1 Do you think there are there any unintended consequences arising from the Bill? If no, go to question 4.1

(we would be grateful if you could keep your answer to around 500 words)

1. Non-compliance with the ECHR as set out in the HRA is discussed in sections 2.1 and 2.2 above, but now Wales is no longer a member of the EU, the UK government seeks to ratify a new British Bill of Rights supplanting the HRA. Therefore, the Senedd could find that its Curriculum and Assessment (Wales) Bill is also in direct breach of the British Bill of Rights.
2. The Curriculum and Assessment (Wales) Bill potentially places Catholic schools in direct breach of their legally binding Trust Deeds.
3. The Bill makes it impossible for Roman Catholics to exercise their religion according to their consciences and is therefore discriminatory and contravenes Article 9 of the HRA.

4. Financial implications

4.1 Do you have any comments on the financial implications of the Bill (as set out in Part 2 of the [Explanatory Memorandum](#))? If no, go to question 5.1

(we would be grateful if you could keep your answer to around 500 words)

The authors of the September 2019 IA state that 'the WG considers that the proposals are capable of being implemented' so as to ensure 'RE is delivered in a way that does not amount to indoctrination' and would not 'give rise to an interference with Article 9 rights', but they selectively ignore the provisions of Article 9 with respect to 'qualified rights' and fail to cite a single reference to UK or European Case Law to substantiate their claims. Their interpretation of Article 9 is subsequently flawed as implementing two parallel curricula in Catholic schools would not only be practically difficult but also expensive at this time when school budgets are stretched to their upmost limits due to the Covid 19 pademic.

5. Powers to make subordinate legislation

5.1 Do you have any comments on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the [Explanatory Memorandum](#)). If no, go to question 6.1.

(we would be grateful if you could keep your answer to around 500 words)

It is entirely inappropriate for WMs to make subordinate legislation as set out in Chapter 5 of Part 1 of the Explanatory Memorandum for this is tantamount to 'a system of government that is centralized and dictatorial and requires complete subservience to the state' viz: a totalitarian regime.

6. Other considerations

6.1 Do you have any other points you wish to raise about this Bill?

(we would be grateful if you could keep your answer to around 1000 words)

If this legislation is ratified the Senedd will:

1. clearly be open to legal challenge for contravening Article 2 of the First Protocol and Article 9 of the Human Rights Act UK 1998 (see above).
 2. be viewed as hostile to the established and disestablished Christian communities which constitute 57.6% of Welsh residents (ONS data) and believe in freedom of choice as a basic human right.
 3. openly discriminate against Roman Catholics whose Church recognizes that all rights come from God and 'it is therefore insufficient in Law to charge any Christian to act contrary to his/her conscience and to the immunity of the Church as is promised both in Magna Carta Clause 1 and the Queen's 'own Coronation Oath.'
- 'What interests the Church is above all the integral development of the human person and of all peoples' (Pope Saint Paul VI, encyclical letter *Populorum Progressio*, 26 March 1967, paragraph 14; Pope Saint John Paul II, encyclical letter *Centissimus Annus*, 1 May 1991, paragraph 29) with the parents as the 'primary educators of their children' (Congregation the Clergy, General Directory for Catechesis, 15 August 1997, paragraphs 226-227).
4. make it impossible for Roman Catholics to exercise their religion.

