

Acts of religious worship in schools

Y Pwyllgor Deisebau | 27 Mehefin 2017
Petitions Committee | 27 June 2017

Research Briefing:

Petition number: P-05-765

Petition title: [Keeping current guidelines for religious assemblies](#)

Text of petition: We call on the National Assembly for Wales to urge the Welsh Government to keep religious assemblies in state schools in Wales as 'opt-out' and 'wholly or mainly of a broadly Christian character', while considering ways to ensure that they continue to be relevant to people of different faiths and no faith.

1. Legal position

The statutory duty for schools to have daily acts of collective worship in Wales (and England and Northern Ireland) was introduced in the *Education Act 1944*. Subsequently, the [School Standards and Framework Act 1998](#) set out that each pupil in attendance at a community, foundation or voluntary school shall on each school day take part in an act of collective worship. It includes an exception that parents may withdraw their child from such acts. The Act sets out that **most** collective worship shall be wholly or mainly of a broadly Christian character.

Schools have the right to a 'determination' – that is, to be released from the requirements for acts of worship to be wholly, mainly of a broadly Christian character, if the school composition might require this. Schools with a religious character do not have the right to a determination.

The provisions of the [Education and Inspections Act 2006](#) allow sixth form pupils in maintained community, community special, voluntary, foundation and foundation special schools the right to withdraw themselves from collective worship.

In her response to the Committee, the Cabinet Secretary for Education sets out the current legal position and her view that collective worship should be sensitive to the range of beliefs and non-beliefs held by pupils in the school.

While there are similar provisions in England and Northern Ireland, the [*Education and Libraries \(Northern Ireland\) Order 1986*](#) does not specify that worship must be Christian.

In Scotland, there is no legal requirement for schools to hold acts of collective worship; instead the terms 'religious observance' or 'time for reflection' are used. The [*Education \(Scotland\) Act 1980*](#), sets out that in all state-funded schools, the practice of **religious observance** should be made available, unless a resolution to discontinue this has been passed by the local education authority and approved by the electors in that local authority area. The Scottish Government's [*Curriculum for Excellence: Provision of Religious Observance in Schools*](#) (March 2017) states that schools may feel that a different name for the events that meet their religious observance requirements will be more appropriate to their individual context and culture. For example, in a non-denominational school, the use of the term 'Time for Reflection' might be considered more appropriate by the school community. It also states that every school should provide opportunities for religious observance several times in a school year.

Welsh Government guidance

The former Welsh Office published non-statutory guidance, [*Religious Education and Collective Worship*](#) in September 1994. The Wales Association of Standing Advisory Councils for Religious Education (WASACRE) published [*Guidance on Collective Worship*](#) in June 2012. The aim was to strengthen and clarify the expectations set out in the 1994 Welsh Office Circular. The WASACRE guidance sets out the benefits of collective worship as:

- Promoting spiritual development;
- Contributing to personal development;
- Benefitting the whole school community;
- Linking the school community to the wider community;
- Enhancing awareness of global citizenship.

While 'worship' is not defined in legislation, the 1994 Welsh Office guidance includes the following definition:

"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."

Worship in schools is different from worship amongst a group of people with beliefs in common. This is acknowledged in legislation through the reference to 'collective' worship rather than 'corporate' worship.

Estyn inspects acts of collective worship in all schools that do not provide denominational education. In all other schools, acts of collective worship are examined by inspectors appointed by the school's governing body.

2. UK Parliament

In answer to a [House of Lords Written Question](#) on 26 January 2016, Lord Nash, Parliamentary Under Secretary of State for Schools, stated:

“The Government does not plan to change the requirements for a daily act of collective worship. It is for schools to tailor their provision to suit the needs of their pupils, and parents can choose to withdraw their children from all or any part of collective worship.”

In considering the *Education and Inspections Act 2006* (at Bill stage), the UK Parliament's Joint Committee on Human Rights set out that the UN Convention on the Rights of the Child [Twenty-eighth Report](#) (October 2006) said:

“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 UK is also 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.”

The Committee recommended that:

“In our view the current legal framework is incompatible with these obligations in so far as it fails to guarantee a child of sufficient maturity, intelligence and understanding the right to withdraw from both compulsory religious education and collective worship. An amendment to the Bill which gave pupils over the age of 16 the right to withdraw from collective worship would therefore reduce the extent of the incompatibility of the present law with the UK's human rights obligations, but it would not remove that incompatibility altogether.

To remove the incompatibility, in our view, it would be necessary to go further in two respects: first, by granting a right to withdraw from religious education as well as collective worship; and, second, by affording the right to withdraw from both religious education and collective worship to any pupil of sufficient maturity, understanding and intelligence to make an informed decision about whether or not to withdraw.”

3. United Nations Convention on the Rights of the Child

The [Rights of Children and Young Persons \(Wales\) Measure 2011](#) embeds consideration of the UNCRC and the Optional Protocols into Welsh law. The Measure places a duty on Welsh Ministers to have ‘due regard’ to:

- The United Nations Convention on the Rights of the Child;
- The Optional Protocol to the Convention on the involvement of children in armed conflict; and

- The Optional Protocol to the Convention on the sale of children, child prostitution and child pornography.

In June 2016, the United Nations Convention on the Rights of the Child published its [*Concluding Observations*](#) on what progress has been made to deliver on children's rights. Following a UK-wide review, it made more than 150 recommendations. The UN Committee expressed concern about collective worship for pupils in Wales and England. They recommended that:

"The State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school."

4. Research on collective worship

In November 2015, the Arts and Humanities Research Council published a report, [*Collective Worship and Religious Observance in Schools: An Evaluation of Law and Policy in the UK*](#).

This stated:

"The statutory duty to provide an act of collective worship/religious observance in schools has been controversial for decades. Issues include: disagreement about the appropriateness of such acts in an increasingly pluralistic, multicultural UK; the degree to which the current system properly affords respect for the rights of individuals and minority groups, including those with no religious faith; and concerns that the present arrangements do not adequately develop the spiritual/moral education of pupils, or promote a community spirit and shared values in schools."

The report highlighted some common concerns about collective worship. These include:

- A lack of a coherent rationale for schools collective worship and non-compliance;
- A failure to protect Human Rights standards; and
- A lack of clarity and ambiguity which means that headteachers may exercise undue or inappropriate influence over the content of the worship or be unwilling or unprepared to make decisions about the content of collective worship.

The report suggests that, if the duty were to be abolished, schools may wish to continue to hold collective gatherings. There would need to be a mechanism to ensure that such gatherings are inclusive and respectful of the integrity of pupils, parents and teachers. It also suggests that the abolition of the duty could be a missed opportunity for pupil development and social cohesion.

The report identified potential approaches for reform:

- Remove the requirement that acts of collective worship be of a broadly Christian character;
- Replace the duty with a duty for a 'time for reflection'.

It included specific recommendations for Wales:

- Circular 10/94, *Religious Education and Collective Worship* should be urgently revised to reflect the contemporary needs of the Welsh education system, particularly in light of the Donaldson recommendations;
- The non-statutory status of the circular should be made widely known to schools, Standing Advisory Councils on Religious Education and Estyn;
- Estyn should review its inspection guidance and place an increased emphasis on the collective aspect of the activity;
- In reviewing and making decisions in this area, Welsh Ministers should pay due regard to the rights of children and young people as required by the Rights of Children and Young Persons (Wales) Measure.

Review of the National Curriculum in Wales

Professor Graham Donaldson's review of the National Curriculum in Wales, [*Successful Futures*](#) (February 2015) referred to **religious education**, rather than collective worship. He recommended that religious education should form part of the Humanities Area of Learning and Experience, and should remain a statutory curriculum requirement from reception. The Welsh Government accepted all of Professor Donaldson's recommendations in full. On [15 July 2015, in responding to a question in Plenary](#), Huw Lewis, the then Minister for Education and Skills said, in relation to religious education:

"I'd like to take the opportunity to announce this afternoon that I believe we need to transform our current religious education curriculum. My contention would be that we rename the RE curriculum and transform it into the religion, philosophy and ethics element of the curriculum, where there is an explicit commitment to allowing children to ponder ideas around ethics and citizenship and what it means to be a citizen of a free country."

The Welsh Government is working with 'Pioneer Schools' and regional consortia on the design of the six Areas of Learning and Experience in the new curriculum. More information on curriculum content is expected to be available later in the year.

5. Previous petitions

In 2012, the Petitions Committee considered a petition which called for the Assembly to urge the Welsh Government to [protect collective worship as a legal right](#) and a petition to [abolish collective worship](#). On 15 May 2012, the then [Minister for Education and Skills, Leighton Andrews](#) wrote to the Committee:

"I recognise that collective worship is an important part of school life. In our multicultural country, it can be used as a way of supporting pupils' spiritual development and providing all pupils, irrespective of their family background, aged and aptitudes, with opportunities to explore and express what is of value in life in an open reflective way. With this in mind, I am not considering a change to the status of collective worship within schools in Wales."

Due to the then Minister's unequivocal response, both petitions were closed.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.