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Dear Mr Francis,

I note with interest that following a petition on the matter, the Petitions Committee has asked the Cabinet Secretary for Education whether the Welsh Government will consider reviewing the current law and guidelines surrounding collective worship, and if any consideration has been given to the compatibility of the current requirements with human rights law.

I recently directed a two-year UK government-funded inter-disciplinary network that examined the law and policy on collective worship in schools throughout the UK. Our report was cited in the Research Brief which was prepared for the Committee. I enclose copies of the report and would be grateful if you could distribute them amongst the Committee members along with this note.

I would highlight a number of points.

1. The duty was introduced in 1944 'to help bolster the moral fibre of the nation' during the Second World War. Interestingly many Welsh MPs were strongly against it. In his speech against the introduction of the law, the Labour MP for Aberavon, William Cove, called it an unwelcomed 'revolution in British educational history' as never before had the British State mandated its non-religious state schools to promote a certain religious view. However, the Welsh MPs were outvoted and the Government passed the law arguing, inter alia, that 'it is impossible for the Anglo-Saxon conception of democracy to function unless it is based on the Christian ethic' and thus school worship needed to be introduced to support this ethic.

2. The duty introduced in 1944 was later copper-fastened and narrowed in the 1988 Education Reform Act: the worship now had to be 'wholly or mainly of a broadly Christian character.' This development was surprising given that a substantial number of parliamentary and government bodies had called for the duty to be completely abolished. As one commentator (Richard Cheetham) notes it was essentially a combination of the Christian religious right and the political right drawn from the Conservative Party, and with Mrs Thatcher's support, that successfully worked to ensure that the duty not only stayed but was narrowed in this fashion.

3. It is interesting to read the parliamentary speeches of the time and note the focus on England and the lack of attention paid to the different context and needs existing in Wales, including the lack of an established church here. For example, Baroness MacLeod in arguing for the law to be maintained held that 'The Christian religion is part of our country, part of our heritage, with the Queen as head of the Church and the nation', while Baroness Strange argued that 'Great Britain is supposed to be a Christian country. We have an established Christian religion'.

4. The key message from our report is that policymakers must, in deciding whether to maintain, abolish or reform the current duty, ask the following basic question: *'is there a need for a collective activity over and beyond that of a regular school assembly?'* A regular school assembly is understood as a time where pupils gather to share and celebrate news and achievements, and perhaps occasionally give short talks/presentations on topics of importance to them, but does not involve a religious element.

5. Various discussions on this question have failed to convince that there is such a need. At times there is talk of the need for building school community spirit and cohesion but the counter argument expressed is that this can be achieved through the regular assembly (as described above). Sometimes there is vague talk of the need for spiritual and moral development, and improved 'religious literacy', but when asked what this would look like in a 10 minute session at the start of the school day with a large group of pupils few concrete suggestions are put forward. Indeed, for many this type of development is better and more effectively achieved through curriculum activities and subjects. The current reform of the religious education curriculum in Wales represents an excellent opportunity and example of where such developmental and educational needs can be incorporated and met.

6. A focus on human rights issues can tend to mask the key question that needs to be addressed, i.e., *'is there a need for a collective activity over and beyond that of a regular school assembly?'* However, so long as the duty continues in schools, there are a number of human rights issues around the question of those who do not wish to participate in the worship. There must always be an opt-out for those who do not want to attend. Human rights law is very clear on this. The associated questions are:

(a) Who should decide, parent or child? The UN Committee on the Rights of the Child last year made it very clear to the UK that pupils of 'sufficient maturity' should be allowed to decide.

(b) Will opt-outs be used by families? Or, do fears of stigmatisation of the child and not wanting to be different discourage their use? Research shows that human rights cannot resolve the question at primary school level where the issues are often most acute. Whereas in secondary schools some pupils may be confident enough to use the right to opt-out and be able to cope with any peer/teacher pressure, for pupils of primary school age almost no parent will use the right of withdrawal. The last thing a young child wants is to look in any way remotely different from their friends, and dread the idea of their parents 'making a fuss' at school.

Parents, especially in smaller schools, also fear the family will be viewed with suspicion, making it harder for their child to fit in. In addition, there is an irony in viewing 'opt-outs' as a solution when talking about an activity that is aiming to be 'collective' and promoting cohesiveness in a school.

7. The law on collective worship in non-religious state schools has received a significant amount of attention in the last couple of years with a number of reports in addition to our own questioning its appropriateness in contemporary society (see, for example, Clarke, C & Woodhead, L. (2015) *A New Settlement: Religion and Belief in Schools* (Westminster Faith Debates); Commission on Religion and Belief in British Public (2015) *Life Living with Difference: Community, Diversity and the Common Good*; and Adam Dinham and Martha Shaw (2015) *REforREal Report: The Future of Teaching and Learning about Religion and Belief*).

8. In Northern Ireland (prior to the current political impasse) the Department for Education had in principle agreed to establish a working group to review the law.

9. Scotland does not have the same law on collective worship. Instead in Scotland the law requires schools to hold a minimum of six periods of 'Religious Observance' (religious schools) or 'Time for Reflection' (non-religious schools) a year. These are to be '*community acts which aim to promote the spiritual development of all members of the school community and express and celebrate the shared values of the school community*'. Research suggests that many schools struggle to know what to do during these periods, particularly so in second level schools.

10. In January I was invited to participate in a Chatham House Rule meeting in London where the aim was to consider the redrafting of the law for English schools. The meeting was convened by Rt Hon Charles Clarke and Professor Linda Woodhead with key English educational stakeholders. Here the sense was that the current law is unsustainable, particularly in a climate that demands respect for religious and belief diversity, and a focus on increased community cohesiveness.

I hope the above is of use to you in your future deliberations. I would be happy to provide further context and information if that would be helpful.

Best wishes,

A handwritten signature in cursive script, appearing to read 'Alison Mawhinney', written in black ink.

Dr Alison Mawhinney

