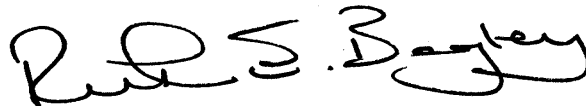


Date of issue: 31st May 2016

MEETING	STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION (Membership of the Committee to be confirmed prior to the meeting.)
DATE AND TIME:	WEDNESDAY, 8TH JUNE, 2016 AT 4.30 PM
VENUE:	VENUS SUITE 3, ST MARTINS PLACE, 51 BATH ROAD, SLOUGH, BERKSHIRE, SL1 3UF
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	NEIL FRASER 01753 875015

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



RUTH BAGLEY
Chief Executive

AGENDA

PART I

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>
	Apologies for absence.	
1.	Minutes of the Last Meeting Held on 24th February 2016	1 - 6
2.	Matters Arising	

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>
3.	SACRE Membership Update - Democratic Services	7 - 8
4.	SACRE Member News (An update from Members regarding activities undertaken since the last SACRE meeting) - Julie Siddiqi	Verbal Update
5.	Open The Book - Andrea Sparrow	Verbal Update
6.	RE Resourcing Catalogue Project Update - Lynda Bussley	Verbal Update
7.	Joint SACRE Meetings Update - Jo Fageant	Verbal Update
8.	NASACRE AGM - Verbal Update - Jo Fageant	Verbal Update
9.	Humanism in Religious Education - Jo Fageant	9 - 22
10.	SACRE Action Plan 2016/17 - Jo Fageant	23 - 24
11.	Member's Attendance Record	25 - 26
12.	Date of Next Meeting	
	To Be Confirmed	

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Please contact the Democratic Services Officer shown above for further details.

The Council allows the filming, recording and photographing at its meetings that are open to the public. Anyone proposing to film, record or take photographs of a meeting is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.

Standing Advisory Council on Religious Education – Meeting held on Wednesday, 24th February, 2016.

Present:-

Committee 1 – Christian Denominations and Other Faiths

Waqar Bhatti, Ashpreet Singh Nainu, Hardip Singh Sohal

Committee 2 – Church of England

Christine Isles, Andrea Sparrow

Committee 3 – Representatives of Teacher Associations

Lynda Bussley, Linda Lewis

Committee 4 – Representatives of the LEA

Councillor Brooker

Other:-

Jo Fageant – Professional Advisor, Robin Crofts – Director of Education

Apologies for Absence:-

Julie Siddiqi, Sue Elbrow, Rob Simpson, Zubayr Abbas-Bowkan, Rev Andrew Allen, Cllr Dhaliwal, Cllr Rana

PART 1

31. Minutes of the Last Meeting held on 12th October 2015

Resolved - That the minutes of the meeting held on 12th October 2015 be approved as a correct record.

32. Matters Arising

The clerk confirmed that additional documents had now been added to the SACRE website, including the latest newsletter, the Pan-Berkshire RE Syllabus, and materials for use when conducting visits to Places of Worship.

It was requested that details of the number of visitors to the website be confirmed to SACRE members, if possible.

33. SACRE Membership Update - Democratic Services

The clerk confirmed that there had been no change to SACRE membership since the last meeting, and highlighted the remaining vacancies to be filled.

Members agreed to continue attempting to secure new members for the vacant roles.

34. SACRE Member News - An update from Members regarding activities undertaken since the last SACRE meeting - Julie Siddiqi

Andrea Sparrow notified members of the forthcoming SEEFF Conference, entitled 'Living with Difference: Religion in a Diverse Society'. The event was scheduled to be held on Thursday, 1st September at Christ Church, Oxford. Further details would be provided closer to the date of the event.

Councillor Brooker confirmed that he had been asked to join the Slough Community and Cohesion Group. In addition, Churchmead School (for which he acted as a Governor) had recently had a SIAMS Church School inspection, and had been rated 'outstanding'.

35. Open The Book - Andrea Sparrow

Andrea Sparrow, Church of England representative, confirmed that Lent Rise School had confirmed that they were able to meet and discuss the Open The Book service in the coming weeks. Ms Sparrow confirmed that she would update SACRE members once this meeting had taken place, via a written update for further dissemination by the clerk.

36. RE Resource Cataloguing Project - Waqar Bhatti/Jo Fageant

Waqar Bhatti confirmed that, due to other commitments, he had been unable to carry out the cataloguing task however was still keen to help. Lynda Bussley, Slough NUT, confirmed that she was also eager to help, (calendar permitting). Jo Fageant confirmed that Bracknell Forest had a catalogue that could be used as Slough's model.

It was agreed that Mr Bhatti and Mrs Bussley would liaise with Linda Lewis, VOICE, to arrange a date to view the materials and determine the best way forward.

37. Report, Comments & Feedback from Joint SACRE Meetings - Jo Fageant

Jo Fageant, Professional Advisor to Slough SACRE, updated members on the outcome of a recent Joint SACRE meeting, held on 15th December 2015.

The meeting was attended by representatives of all 6 Berkshire SACRES, and had discussed how to progress partnership working and the relevant next steps.

Following the meeting, several actions had been agreed, including the proposal for appointment of a coordinator for the Berkshire SACRES Hub, with responsibility for:

- Scheduling regular Hub meetings from Spring term 2016
- Communicating minutes/project opportunities and good practice across the 6 SACRES
- Drafting and costing a Hub work plan to be agreed by all 6 SACRES

Standing Advisory Council on Religious Education - 24.02.16

- Drafting and costing a plan for the agreed syllabus review process
- Leading on the RE syllabus review

In addition, it was proposed that a coordinator for the continuing 'Crossing the Bridges' project be appointed, with responsibility for:

- Organising the project activities, including annual training for visit hosts etc.)
- Delivering annual training for faith hosts
- Developing resources to support visits
- Ensuring SACREs remained informed and updated on the project.

Projected costs for the above were confirmed as:

Total required for 2015-16 per SACRE = £734-817 (2-3 days of Hub coordinator time, respectively)

Total required for 2016-17 per SACRE - £1,450-£1,700 (2-3 days of Hub coordinator time, respectively)

Proposed funding for the syllabus review had not been confirmed, though for previous reviews each SACRE had contributed approximately £4,000 over two financial years, and it was felt that this would be sufficient to cover the costs of any future review. The Hub coordinator role could also be partly or wholly funded from syllabus review budgets. It was highlighted that any review could conclude that changes to the syllabus were not necessary, which would reduce any applicable costs.

Ms Fageant confirmed that Jan Lever had expressed a willingness to take on the above roles, and requested that Slough SACRE consider what response they wished to make.

Members deliberated, and agreed that they were happy to be part of a joint RE syllabus review, and were keen to progress the Crossing the Bridges project. Members therefore agreed that they were in favour of the above proposed appointments, and the cost implications were noted.

Resolved - That Slough SACRE make financial contributions to the Joint SACRE Hub for the appointment of a Hub Coordinator, the Crossing the Bridges Project, and a joint review of the RE syllabus.

38. **A New Settlement: Religion and Belief in Schools - Sub-Committee response - Jo Fageant**

Slough SACRE's formal response to NASACRE was noted, and it was expected that NASACRE would make a general response to all SACRES, potentially at the future AGM to be held in May 2016.

Standing Advisory Council on Religious Education - 24.02.16

It was agreed that details of the AGM be forwarded to SACRE Members via the clerk.

39. SACRE Newsletter - Jo Fageant

Jo Fageant, Professional Advisor, set out the new Spring 2016 newsletter. Feedback to the newsletter was positive, and in particular that it was streamlined and easy to read.

It was agreed that the newsletter be forwarded as a hardcopy to all Slough Schools via Gatekeeper, subject to a small amendment regarding the date.

40. Examination results: Slough RE - Robin Crofts

Robin Crofts, Director of Education, briefed SACRE on the recent GCSE results for Religious Education within Slough schools.

The results were noted, and SACRE was happy at the overall standard of results within Slough. Particular reference was made to the attainment of students at Langley Grammar School, which was very good.

The numbers of students undertaking RE examinations was noted as varying from school to school, and confirmation was sought regarding the provision for students to receive religious education without being entered to sit exams. For example, did the school provide a short course?

It was agreed that the Director of Education write to all Slough schools and ask them to confirm what provision for Religious Education was made available to their students.

41. SACRE Finance Update - Robin Crofts

Robin Crofts, Director of Education, confirmed that Slough SACRE had spent £500 within the current financial year. However, it was recognised that there was additional spend currently being processed, (for example Professional Advisor expenses related to production of the newsletter, various meetings etc.) totalling approximately £1,100. Therefore, £1,600 remained in core funding, alongside supplementary funding from the Dedicated Schools Budget, totalling £2,600.

It was confirmed that if unspent, the Dedicated Schools Budget would be put into a pot for schools to determine how best to spend it.

In addition, the £1,300 retained from the Montem Primary School RE Trail was available, though as outlined at previous meetings, the impending end of the Cambridge Education contract would likely necessitate securing someone else to hold this money on behalf of SACRE.

It was agreed that Jo Fageant would liaise with Rob Simpson regarding the feasibility of the Oxford Diocese holding the money. Andrea Sparrow agreed

Standing Advisory Council on Religious Education - 24.02.16

to review whether the Upton Cum Chalvey Parish could hold the money for Slough SACRE.

42. SACRE Action Plan Update - Jo Fageant

Jo Fageant, Professional Advisor, introduced the updated Action Plan, noting that many of the actions had now been completed.

Members were informed that the meeting for secondary school RE teachers, focussed on new GCSE and A Level specifications, would likely now take place in the summer term once the specifications had been published.

The half-day session on addressing radicalisation, to be run by Zafar Ali, was still to be scheduled. It was agreed that Andrea Sparrow would forward details of the training to the clerk, once available.

It was agreed that a sub-committee be arranged to discuss the Action Plan for the academic year 2016-17, prior to the next meeting of SACRE. Members of the Sub-Committee were confirmed to be Jo Fageant, Cllr P Brooker, Lynda Bussley, Andrea Sparrow and Waqar Bhatti. A meeting date would be determined by the Sub-Committee members.

43. Member's Attendance Record

The Members Attendance Record was noted.

44. Date of Next Meeting - TBC

It was agreed that the clerk would confirm the date of the next meeting to members via email. It was requested that the meeting be held on a Wednesday, within the first or second week of June 2016.

Chair

(Note: The Meeting opened at 4.35 pm and closed at 6.00 pm)

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STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION

Committee 1 - Christian Denomination and other Faiths (12)

The Free Churches (1)	Sue Elbrow (until 2017)
Black Free Churches (1)	Vacancy
The Roman Catholic Church (1)	Vacancy
Hinduism (1)	Vacancy
Islam (4)	Julie Siddiqi (until 2017) Zubayr Abbas-Bowkan (until 2017) Waqar Bhatti (until 2017) Vacancy
Judaism (1)	Vacancy
Sikhism (2)	Hardip Singh Sohal (until 2017) Ashpreet Singh Nainu (until 2017)
Baha'is (1)	Vacancy

Committee 2 – The Church of England

The Church of England (4)	The Rev Andrew Allen (until 2017) Christine Isles (until 2017) Andrea Sparrow (until 2017) Vacancy
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Committee 3 - Associations representing Teachers (6)

National Union of Teachers (1)	Lynda Bussley (until 2017)
VOICE (Formerly Professional Association of Teachers) (1)	Linda Lewis (until 2017)
National Association of Head Teachers (1)	Vacancy
Secondary Heads Association (1)	Vacancy
National Association of School Masters/Union of Women Teachers (1)	Vacancy
Association of Teachers and Lecturers (1)	Vacancy

Committee 4 – Representatives of Local Authority (5)
Professional Advisor

4 Labour Members
1 Conservative Member
Jo Fageant

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SLOUGH BOROUGH COUNCIL

REPORT TO: SACRE **DATE:** 8th June 2016
CONTACT OFFICER: Neil Fraser, Democratic Services Officer
(For all Enquiries) (01753) 875015
WARD(S): All

PART I

FOR INFORMATION

HUMANISM IN RELIGIOUS EDUCATION

1. Purpose of Report

To advise SACRE members of the High Court ruling made in November 2015 regarding the teaching of humanism within Religious Education.

2. Recommendation

That the report be noted.

3. Supporting Information

In November 2015, the High Court ruled against the Department for Education in an important legal case which clarified the law on RE. It made clear that humanism should be studied in the subject. Following this, Slough Borough Council was contacted by the British Humanist Association, who advised that resources to aid schools in the teaching of humanism can be found at understandinghumanism.org.uk.

In addition, at the request of a number of teachers and SACREs, the BHA will also be preparing resources on humanism that will be specifically designed to accompany each of the GCSE specifications to be taught from September 2016.

An in-depth paper on the High Court Ruling, and its impact on teaching, is attached as Appendix A.

A response to the ruling from THEOS (a Christian think tank) is attached as Appendix B.

4. Conclusion

Members are requested to note the High Court Ruling as set out in the attached papers.

5. Appendices Attached

Appendix A: High Court Ruling on Religions Education: Legal Guidance

Appendix B: Non Religion in Religious Education: Why it's a good thing



High Court ruling on Religious Education

Legal guidance on what it means for local authorities, academies,
schools, teachers, Agreed Syllabus Conferences, and SACREs

Dr Satvinder Juss
Professor of Law
King's College London

Summary and background

1. A ruling by the High Court in November 2015 in a case brought by three families against the Department for Education has extensive implications for the way religious education is taught in schools without a religious character. This legal note is intended to help local authorities, academies, schools, teachers, Agreed Syllabus Conferences, and SACREs understand the law as set out in the judgement and their duties in relation to it. It has been prepared with input from the lawyers who won the case.
2. The High Court ruled¹ that the Department for Education had made 'an error of law' in its specification of content for the new GCSE Religious Studies (RS) for English schools.² The error was in asserting that teaching the new RS GCSE would meet the legal requirements for the provision of Religious Education (RE) in general, and the consequent implication that it could therefore be used by schools as the entirety of their RE teaching at Key Stage 4.
3. The High Court said this assertion was unlawful because statutory RE in schools without a religious character must be 'objective, critical and pluralistic' and a syllabus that covered religions in detail but did not give pupils the opportunity to learn similarly about a non-religious worldview such as Humanism would not meet this requirement. As the judgement states:

'the state has a duty to take care that information or knowledge included in the curriculum is conveyed in a pluralistic manner... the state must accord equal respect to different religious convictions, and to non-religious beliefs; it is not entitled to discriminate between religions and beliefs on a qualitative basis; its duties must be performed from a standpoint of neutrality and impartiality as regards the quality and validity of parents' convictions.'

(Paragraph 39)

4. In what follows we explain what the implications of this clarification of the law are for those who set RE syllabuses and/or teach RE.

What does this mean for RE at Key Stage 4?

5. The Court said the Government's claim that the RS GCSE could form the entirety of a Key Stage 4 RE course was 'false and misleading' and would encourage others to act unlawfully³. This was because such a syllabus might not include non-religious worldviews

1. R (Fox) v Secretary of State for Education [2015]: <https://www.judiciary.gov.uk/wp-content/uploads/2015/11/r-fox-v-ssfe.pdf>

2. The Religious Studies GCSE Subject Content, February 2015: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/403357/GCSE_RS_final_120215.pdf

3. Paragraph 81.

to the extent required under the law for RE as a whole to be neutral, impartial, and pluralistic. It would not even be adequate to balance the GCSE with teaching about non-religious beliefs in earlier key stages. The judge said:

'...it is obvious that GCSE is a vitally important stage in the development of a young person's character and understanding of the world. I do not consider it could be said that a complete or almost total failure to provide information about non-religious beliefs at this stage could be made up for by instruction given at earlier stages.' (Paragraph 78)

6. The Government was required by the judge to clarify that using the RS GCSE as the entirety of the key stage 4 RE course might not be enough to fulfil the statutory requirements for RE. It has now done this. Technically this would mean that schools would have to provide additional teaching on non-religious worldviews alongside the GCSE course in order to meet those statutory requirements (see paragraph 8.d. below).'

What does it mean for RE syllabuses and teaching more generally?

7. As a statement of the current law, the judgement has significant implications for RE syllabuses in schools without a religious character:
 - a. RE syllabuses remain bound by the statutory requirement set out in the Education Act 1996 that they 'reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking account of the teaching and practice of the other principal religions represented in Great Britain'. However, the phrase 'principal religions' now has to be read as including non-religious worldviews and includes Humanism.⁴
 - b. The legal requirement for RE to be 'objective, critical and pluralistic'⁵ in line with the state's 'duty of impartiality and neutrality' means that non-religious worldviews cannot be excluded but it does not mean that strict 'equal air-time' must be given to all religions and non-religious worldviews. As outlined in 7.a. above, it is still acceptable in law for syllabuses to give more attention to Christianity than to other worldviews, religious or otherwise. Similarly, a syllabus may give more attention to a religion or non-religious worldview that has a particularly high local following or relevance. As the judgement states, 'an RE syllabus can quite properly reflect the relative importance of different viewpoints within the relevant society... region or locality'.⁶
 - c. What the law does require, however, is that 'equal respect' be given to different religions and non-religious worldviews. For example, an RE course which provides for the study of religions of a small size or little relevance without giving comparable attention to non-religious worldviews of the same or a greater size or relevance will be unlawful. The judgement states that a syllabus that 'give[s] priority to the study of religions (including some with a relatively very small following and no significant role in the tradition of the country) over all non-religious world views (which have a significant following and role in the tradition of the country)'⁷ would be unlawful. Such a syllabus would not afford 'equal respect', would not be pluralistic, and would therefore be unlawful.

4. Paragraph 22, citing section 3 of the Human Rights Act 1998.

5. Paragraph 31(5) and *passim*.

6. Paragraph 74.

7. Paragraph 77.

What does this mean in practice?

8. The need to accord equal respect means:
 - a. other than in the case of 7.b., above, if at any key stage it is compulsory to systematically study a module on one or more of the principal religions other than Christianity, then it should also be compulsory to systematically study a module or modules on one or more principal non-religious worldviews (which in practice means Humanism);
 - b. similarly, if there is an option to study a module or modules on one or more principal religions, the choice should include a module or modules on one or more principal non-religious worldviews;
 - c. if there are thematic modules, those modules should include or allow for the study of principal non-religious worldviews to the same extent as any of the non-Christian principal religions;
 - d. at Key Stage 4, given (as explained in 6. above) that the examination boards' new GCSE courses will almost certainly not (owing to the new Department for Education specification) provide for the study of non-religious worldviews in the way specified in 8.a, b, and c, the GCSE course cannot be used as the entirety of the RE syllabus. Technically, additional teaching on non-religious worldviews would have to be provided alongside the GCSE, and agreed syllabuses cannot simply direct schools to follow the GCSE or a similar accredited qualification as the specified content for Key Stage 4. This is obviously not an ideal situation, but it is, regrettably, the unavoidable consequence of the relegation of non-religious worldviews in the GCSE specification by the Department for Education.
9. Schools that are legally obliged to follow their locally agreed RE syllabus must go on teaching that syllabus. However, schools should provide additional content on non-religious worldviews if their local syllabus does not include non-religious worldviews to the extent outlined above.
10. Schools without a religious character that are not bound to follow their locally agreed syllabus have responsibility for ensuring that the RE they provide properly reflects the

law as set out in the judgement. If such a school's syllabus does not include non-religious worldviews to the extent outlined above, the school should take steps to revise it.

11. Agreed Syllabus Conferences must take steps to ensure that their syllabuses include non-religious worldviews to the extent outlined above. Local authorities advised by their Agreed Syllabus Conference to adopt a syllabus that does not meet these standards should refer the draft syllabus back to their Conference. SACREs should take note of the legal requirements for RE in their deliberations and the advice they provide.

Humanism

12. About half the population regularly say they have no religion.⁸ Humanism is the non-religious worldview most relevant to the legal requirement, as it has a significance in the history, culture and present-day life of Great Britain as great as or greater than that of any of the non-Christian principal religions. In terms of followers, 6% of people identify as being not just non-religious but humanist (YouGov, 2014),⁹ more than those who identify as Muslim, Jewish, Buddhist, Sikh, or Hindu. Around 36% hold the humanist worldview (IpsosMori, 2007).¹⁰ There are more humanist funerals in Britain than there are of many minority religions, and more humanist weddings than there are of any non-Christian religion (in Scotland, there are more humanist marriages than Roman Catholic or Church of Scotland marriages). There is a strong humanist movement in Britain and Humanism is well articulated, with numerous books both popular and learned. Humanists from George Eliot to Bertrand Russell, David Hume to David Attenborough have been enormously influential in the formation of British culture. Therefore, to the extent that Humanism is the most prominent non-religious worldview in Britain, a syllabus that excluded detailed study of Humanism but included such study of minority religions would almost certainly be unlawful.

Dr Satvinder Juss

Professor of Law
King's College London
28 April 2016

8. British Social Attitudes: see <https://humanism.org.uk/campaigns/religion-and-belief-some-surveys-and-statistics/the-british-social-attitudes-survey/>

9. YouGov/British Humanist Association, November 2014.

10. Ipsos MORI/British Humanist Association, November 2006 - see <https://humanism.org.uk/campaigns/religion-and-belief-some-surveys-and-statistics/>

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Non-religion in Religious Education – why it's a good thing

1st December 2015

Schools without a religious character now need to ensure pupils have the opportunity to learn about non-religious worldviews, such as humanism, in RE. This was the outcome of an important legal case last week. It's worth looking at the judgment in detail, so save this article for a spare ten minutes and a cup of tea.

I think the outcome is a good thing. I don't think this is 'yet another' sign of Christian persecution in the UK by the courts. And I don't agree that non-religious worldviews have no place in Religious Education, despite the subject's name. A statement from the Christian Institute, that "Children don't have to learn about maths in history lessons, so why do they have to learn about atheism in religious education?", ignores the obvious fact that RE is about much more than teaching about theism and, moreover, that many local RE syllabuses already include some study of non-religious perspectives.

It makes sense to me that non-religious perspectives should have greater inclusion in RE. In a democratic, pluralist society, non-religious views deserve as much as respect as religious ones. Moreover, to my mind the exclusion of non-religious views from RE only serves to *exceptionalise* religious ones. The implicit message to young people is that non-religion is the unspoken, well-understood norm; but religious stuff needs to be studied because it is something extra, and the cause of controversy.

That said, it wouldn't necessarily be an easy inclusion. Secular humanism could be taught readily as a relatively coherent category with beliefs and practices, alongside the idealised, doctrinal versions of religions already presented. But this would only capture a subsection of the people who describe themselves as 'non-religious', but who hold a huge variety of beliefs, ranging from the material to the supernatural (as discussed in the Theos report, *The Spirit of Things Unseen: Belief in Post-Religious Britain.*)

But I'll explain my views further below. First, it's worth clarifying the conclusions of the High Court judiciary review, *R (Fox & Ors) v Secretary of State for Education* [2015] EWHC 3404 (Admin). The headlines have naturally squashed some of the legal precisions, and the Department for Education and the British Humanist

Association (which backed the Claimants' case) have had a spat over its interpretation – or at least, interpretation of each other's press releases offering interpretations of it. For clarity's sake I have included some long quotes from the judgment.

The case concerns the new Religious Studies (RS) GCSE Subject Content, which was published in February for implementation in RE in schools next year. (Religious Studies is the name of the new GCSE; Religious Education is the subject as a whole). The RS Subject Content includes a number of different pathways, but by the DfE's own admission in its consultation process on the GCSE, it has "*decided not to include the optional systematic study of non-religious beliefs alongside religious beliefs in the subject content*", because this "*would not be a suitable addition to the content*" and because students have the opportunity in the RS syllabus to study non-religious worldviews in the context of optional themes, such as different religious and philosophical attitudes to crime and punishment.

The Claimants, three families with non-religious parents, argued that the state has a duty to treat "*religious and non-religious views on an equal footing*" and that "*it has failed to discharge that obligation*".^[1] There was no challenge to the prescribed content itself. But their argument was that the RS Subject Content would not exhaust the state's obligations to provide RE. Further, it was argued that the DfE had implied that schools *could* meet their statutory obligations *solely* by using the RS GCSE to deliver Key Stage 4 RE – "*subject content is consistent with the requirements for the statutory provision for religious education in current legislation as it applies to different types of schools*"^[2] – and that this was a misleading assertion.

In a nutshell, the Claimants won because the judge agreed that the Assertion was "*a false and misleading statement of law, which encourages others to act unlawfully*".^[3] The final decisions about RE syllabuses are devolved to the local level by Agreed Syllabus Conferences, ASCs. If a school relied entirely on the new RS subject content to provide RE at GCSE, some pathways within the content would allow the school to meet its statutory obligations concerning RE – but other pathways would not be enough to meet those obligations.

But what are the statutory obligations, and why might some potential syllabuses derived from the Subject Content have failed to meet them?

Handily the judge included a helpful summary of the relevant domestic and EU legislation and case law. The Education Act 1996 requires that every agreed local syllabus should “*reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking account of the teaching and practice of the other principal religions*” represented in the country.[4]

Human rights jurisprudence, including case law applying the European Convention on Human Rights, adds further obligations on the state concerning RE. It’s worth spelling these out, as summarised in the judgment:

- 1) “*In carrying out its educational functions the state owes parents a positive duty to respect their religious and philosophical convictions*”;
- 2) “*the state has considerable latitude in deciding exactly how that duty should be performed*” – having regard for things like “*available resources, local conditions and, in particular, the preponderance in its society of particular religious views, and their place in the tradition of the country*”;
- 3) “*the state may legitimately give priority to imparting knowledge of one religion above others, where that religion is practised or adhered to by a majority in society*”;
- 4) “*the state has a duty to take care that information or knowledge included in the curriculum is conveyed in a pluralistic manner*”;
- 5) “*the state must accord equal respect to different religious convictions, and to non-religious beliefs*”, subject to those beliefs being “*worthy of respect in a democratic society and not incompatible with human dignity*”;
- 6) the state “*is not entitled to discriminate between religions and beliefs on a qualitative basis*” and “*its duties must be performed from a standpoint of neutrality and impartiality as regards the quality and validity of parents’ convictions*”. [5]

Spelt out like this, it becomes clearer to see how the RS Subject Content fell down.

According to the judge, the state has a duty to ensure that knowledge in the curriculum is conveyed in a “*pluralistic manner*”, from a position of “*neutrality and impartiality*” regarding the parents’ convictions. (Though on the vexed question of whether any education is ever ‘neutral’, see Trevor Cooling’s Theos report, [Doing](#)

God in Education). The state has a positive duty in education towards the religions and beliefs of parents. That includes the large proportion who describe themselves as non-religious (25% of the population in the 2011 census which the judge referred to;[6] but 49% in the 2014 British Social Attitudes Survey). If a school relied on the RS GCSE *solely* in its delivery of Key Stage 4 RE, it could easily choose pathways that would involve little or no study of non-religious perspectives. Any school implementing such a syllabus would fail to meet its statutory obligations in RE.

I.e. – it is unlawful for a school without a religious character to deliver RE without including adequate provision of non-religious worldviews. As the BHA points out, this will also include RE across the board, not just at Key Stage 4. It should be noted that the judge made it clear that his conclusions did not address faith schools.[7]

The judgment insists that “*it is not of itself unlawful to permit an RS GCSE to be created which is wholly devoted to the study of religion*”. [8] That’s why, in its response to the case, the DfE could declare that there is no problem with the Subject Content, and that it isn’t required to amend it. If it doesn’t do so, the onus will fall on the schools to ensure that adequate provision of non-religious perspectives is covered in their syllabuses – either by choosing the pathways with non-religious content in the RS GCSE, or by topping up the GCSE with non-religious content.

But a couple of caveats.

Firstly the judge noted that the state is not required to give “*equal air-time... to all shades of belief or conviction*”. [9] It is compatible with the UK Education Acts and human rights law for an RE syllabus “*to give a greater priority to Christianity than to all other religions, and all other non-religious world views*”. [10]

And secondly he stated that “*an RS GCSE specification consistent with The Subject Content could satisfy the state’s legal obligations*” if the school using the RS GCSE selected the pathways including non-religious content. [11] As noted above, the non-religious content in the RS GCSE is thematic in nature only, rather than part of a systematic study of beliefs and practices as with the religions. So in other words, this judgment does not explicitly require non-religious content to be studied systematically. The Claimants had challenged this discrepancy. The judge concluded that it is “debatable” whether this lack of systematic study of non-religious worldviews would allow a school to meet its RE obligations, but he didn’t pursue the point

because a safe conclusion could be reached without addressing it.[12] No doubt this will be an area of further legal challenge in the future.

All this explains why the final judgment focused closely on the DfE's Assertion. Despite the headlines, the religion-heavy Subject Content isn't unlawful as such. But implying that a school could meet its statutory obligations just by following the Subject Content *was* an "*error of law*" that could "*encourage*" schools to act unlawfully. So the minimum Nicky Morgan needs to do is rewrite her Assertion in paragraph 2.

So to return to my opening gambit. I welcome the judge's conclusions in this case, and would also have welcomed them had he made clear that non-religious content should be covered systematically.

Firstly, between a quarter and a half of Britons describe themselves as 'non-religious'. It's right that pupils should have the opportunity to learn about some of the worldviews and beliefs held by of such a large proportion of the population. (Though, as noted above, it may be easier said than done to do this). There's also evidence that greater inclusion of non-religious worldviews and beliefs would be popular. In the DfE's own consultation process on the RS GCSE, 85% of respondents called for the optional systematic study of non-religious beliefs in the RE subject content (though admittedly most of those respondents were connected to a BHA campaign on the issue). More recently, the Faith and Civil Society Unit at Goldsmiths, London published findings last week from its research into the views about RE of pupils, parents, teachers and employers. They found that in all four groups there was strong support for the inclusion of non-religion and non-religious beliefs in RE syllabuses – including among an overwhelming majority of teachers who were interviewed. And pupils were very keen to discuss 'controversial' topics – which, one could imagine, might include debates around secularism as much as ISIS.

And secondly, I think it says something important about the nature of religion if non-religion is included.

If non-religious perspectives are excluded, it seems to me that, perhaps ironically, RE serves to exceptionalise the religious. My concern is not that pupils taking an RE course that solely focuses on religion will come to assume that religion is the norm – quite the opposite in fact. In the current set-up, many pupils may come to assume

that religion is an add-on, something that can be discussed in the abstract in the classroom; but that non-religion is normal, instinctive or even the objective starting position, which doesn't need to be discussed, and critically appraised, in school settings. Or further, that non-religious perspectives are all benign, while the real problems that need to be discussed are those created by religious ideas.

In a society where increasing numbers of children grow up in non-religious families, increasing numbers do not have the opportunity to study the beliefs they have been raised with in a rigorous, self-reflective and critical manner. Secular / atheist humanists may hope that greater inclusion of non-religion will strengthen their cause. It may well do. But they should also be ready for some nominally non-religious students to recognise the subjectivity, and elements of faith, inherent within non-religious as much as religious worldviews.

Ultimately, even if the DfE updates its Subject Content, not all pupils in the UK are going to learn about non-religious worldviews systematically. There would never be enough time in the curriculum for students to learn about all the major religious and philosophical perspectives in the UK. But they should be given the *opportunity* to do so through inclusive syllabuses. Some RE teachers will understandably be anxious about potential upheavals to current syllabuses caused by this judgment. It should be up to the DfE to ensure that adequate solutions are found.

- See more at: <http://www.theosthinktank.co.uk/comment/2015/12/01/non-religion-in-religious-education-why-its-a-good-thing#sthash.5lO0LZJS.dpuf>

Update on costed action plan for 2016-2017

Funds available:

£5,000 is the SACRE budget

£1,300 is the money from the closure of the SRSC and can be carried forward.

Costs set out below are estimated costs only.

Activity	Cost	
Meetings on 12/4 to plan year's activity	£100	✓
3 termly twilight RE subject leaders meetings – mainly primary focused	£660	
Research GCSE spec used in all sec schools and circulate information to all	£100	
2 members to attend NASACRE AGM @£90 each + travel costs	Approx. £270	JF
NASACRE membership	£100	
3 newsletters (printed)	£1000	
Joint SACREs coordinated initiative (1/6 of the costs)	£1900	
<ul style="list-style-type: none"> • Conference • Coordinator • Directory • Crossing the Bridges project • Annual training of hosts 	<i>First hub meeting to plan the way ahead took place on 18 May. Slough was not represented.</i>	
½ day training session on collective worship (2-5pm at Beechwood?)	self-funding	
½ day session (repeat of something already run for others around radicalisation) autumn term	£600 is it still there from last year	
Cataloguing the resources	£400	
Expenses for members contributing to syllabus review	£100	
Preparation of the Annual SACRE Report	£450	
Estimated total	£5680	

Adviser costs according to the agreed contract:

Year 3: £450 per day (2016-2017)

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MEMBERS' ATTENDANCE RECORD 2015/16
SACRE

Member	Representing	10.06.15	12.10.15	24.02.16
Sue Elbrow	The Free Churches	P	P	Ap
Julie Siddiqi	Islam	P	Ap	Ap
Zubayr Abbas-Bowkan	Islam	Ap	P*	Ap
Waqar Bhatti	Islam	P	P	P
Hardip Singh Sohal	Sikhism	P	P	P
Ashpreet Singh Nainu	Sikhism	P	P	P
The Rev Andrew Allen	The Church of England	P	P	Ap
Christine Isles	The Church of England	P	P	P
Andrea Sparrow	The Church of England	P	Ap	P
Robert Simpson	The Church of England	N/A	P	Ap
Lynda Bussley	National Union of Teachers	P	P*	P
Linda Lewis	VOICE	P	P	P
Councillor P. Brooker	Local Authority	Ap	P	P
Councillor A. Dhaliwal	Local Authority	Ap	Ap	Ap
Councillor R. K. Rana	Local Authority	P	Ap	Ap
Councillor R. Zarait	Local Authority	P	Ap	Ab
Jo Fageant	Professional Advisor	P	P	P

P = Present for whole meeting
 Ap = Apologies given
 P* = Present for part of meeting
 Ab = Absent, no apologies given

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