

# Atheism

## Religious Education in State Schools

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### Introduction

The purpose of this document is to set out the legal position, with regard to religious education (“RE”), to enable informed policy and strategy decisions to be made. This paper is about RE; it is not about collective worship, the religious opinions of staff, sex education or inspections. It is about faith schools in relation only to RE and not in relation to, for example, admissions policy<sup>1</sup>. It is about maintained schools<sup>2</sup>, and not about independent schools (which include “academies” and “city technology colleges”<sup>3</sup>).

At the end of the document, is a set of recommendations. These are our emerging policies and strategies.

This is an unashamedly biased document. It is written from the point of view of atheism and seeks ways of promoting it within the existing regime.

### The Statutory Regime

RE is a compulsory subject in the state education system of England and Wales<sup>4</sup>. The compulsion is contained in statute.

The statutory provisions are spread over, and jump back and forth between, three different Acts of Parliament<sup>5</sup> and can be hard to follow.

The basic obligations are now contained in Section 69(1) of the School Standards and Framework Act 1998:-

In relation to any community, foundation or voluntary school<sup>6</sup>:-

- (a) the local education authority and the governing body shall exercise their functions with a view to securing, and
- (b) the head teacher shall secure,

that **religious education** is given in accordance with the provision for such education included in the school’s basic curriculum by virtue of section 80(1)(a) of the Education Act 2002.

Section 80(1)(a) of the Education Act 2002, to which the above refers<sup>7</sup>, provides:-

The curriculum for every maintained school in England shall comprise a basic curriculum which includes<sup>8</sup> provision for religious education for all registered pupils at the school (in accordance with such of the provisions of Schedule 19 to the School Standards and Framework Act 1998 as apply in relation to the school).

We will look at Schedule 19 (and the Education Act 1996 to which it refers) in detail below. For the moment, we must consider a more fundamental matter, the meaning of “religious education”.

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<sup>1</sup> Although this is mentioned incidentally.

<sup>2</sup> Schools in the state education system. See page 4.

<sup>3</sup> See 23.

<sup>4</sup> Scotland and Northern Ireland have a different regimes.

<sup>5</sup> The Education Act 1996, the School Standards and Framework Act 1998 and the Education Act 2002.

<sup>6</sup> These types of school are explained in detail in 24 to 27 below.

<sup>7</sup> The 1998 Act obviously pre-dates the 2002 Act, but the latter was amended by the former to change the reference.

<sup>8</sup> Among other things: the National Curriculum and provision for sex education.

## What is “Religious Education”?

None of the statutes defines RE. It is crucial to distinguish between two possible meanings of “religious” in this context:-

1. “relating to religion”; and
2. “forming part of someone’s faith in a divine being”<sup>9</sup>.

If 1 applies, RE is the field of study of which religion is the subject matter (“RE<sub>1</sub>”). Essentially, it is a branch of anthropology<sup>10</sup>, often termed “comparative religion”. If 2 applies, RE is religious instruction or even indoctrination (“RE<sub>2</sub>”). RE<sub>1</sub> is teaching **about** religion; RE<sub>2</sub> is teaching religion. They are apt to be conflated.

RE<sub>1</sub> is legitimate; RE<sub>2</sub> is not. However RE<sub>1</sub> need not necessarily be obligatory or be taught as a dedicated subject; it could be taught across several different subjects. Indeed, it does not deserve to be treated as a dedicated subject at all. To do so confers on it an importance, which reflects the undeserved importance of religion. *Atheism’s* sole object is the advancement of atheism. This leads, ultimately, to a world without faith or religion<sup>11</sup>, in which there would be no scope even for RE<sub>1</sub><sup>12</sup>. In the meantime and for the foreseeable future, faith and religion are unwelcome, but ever-diminishing, facts of life. Therefore, there is a place – but an ever-diminishing one – for RE<sub>1</sub>.

If RE<sub>1</sub> is taught, it tends (indeed, is often designed), without rigorous safeguards, to transgress the boundary into RE<sub>2</sub>. For example, several evangelical Christian groups “parachute” themselves into schools to provide RE free of charge. They tend to be welcomed, because they:-

- remove a cost from the school’s budget;
- relieve regular teaching staff of a subject in which they may have little interest.

However, they have a religious agenda – the propagation of faith – and are unlikely to present it in an unbiased manner. Furthermore, even the apparently objective statement “Christians believe .....” can amount to the promotion of such belief.

Therefore, *Atheism* broadly concurs<sup>13</sup> with the position of the National Secular Society in this respect:-

Religious groups should have minimal input and any syllabus should be determined by independent academics without a religious agenda.

None of the statutes defines RE – let alone distinguishes between RE<sub>1</sub> and RE<sub>2</sub>. However, Paragraph 2(5) of Schedule 19<sup>14</sup> provides:-

No agreed syllabus shall provide for religious education to be given to pupils at a school to which this paragraph applies by means of any catechism or formulary which is distinctive of a particular religious

<sup>9</sup> Both from the *Oxford Dictionary of English*.

<sup>10</sup> Anthropology is not normally taught as a subject in schools, and we do not suggest that it necessarily should be; this is an analytical statement.

<sup>11</sup> “Faith” is the belief, in the absence – or even the face of – evidence, that God exists. “Religion” is a social system the participants in which exhibit faith. Faith underpins religion; religion sustains faith.

<sup>12</sup> Except, perhaps, as part of history – with the Abrahamic God being treated in the same way as *Zeus, Mithras* or *Ra*.

<sup>13</sup> Subject to the important qualification that RE is ever-diminishing over time.

<sup>14</sup> Which is covered fully below.

denomination (but this is not to be taken as prohibiting provision in such a syllabus for the study of such catechisms or formularies).

Therefore, it does make a distinction between:-

1. religious education by means of any distinctive catechism or formulary; and
2. the **study** of such catechisms or formularies,

and prohibits 1. This more or less corresponds to the distinction between RE<sub>2</sub> and RE<sub>1</sub>. However, there are problems with it:-

- A “catechism” is:-

a summary of the principles of Christian religion in the form of questions and answers, used for teaching

and a “formulary” is:-

a collection of set forms, especially for use in religious ceremonies.<sup>15</sup>

The statute contains no prohibition against other methods or forms of RE<sub>2</sub>.

- In any case, the prohibition does not apply to “faith” schools<sup>16</sup>.

Nevertheless, the intention appears to be in favour of RE<sub>1</sub> rather than RE<sub>2</sub>.

## SMSC Development

In educational circles, “SMSC development” means “spiritual, moral, social and cultural development”.

In addition to the statutory provisions specifically about RE, Section 78(1)(a), of the Education Act 2002, provides:-

The curriculum for a maintained school or maintained nursery school satisfies the requirements of this section if it is a balanced and broadly based curriculum which promotes the **spiritual, moral**, cultural, mental and physical development of pupils at the school and of society.

“Spiritual” is not defined in the statute, but its normal meaning is:-

Relating to or affecting the human spirit or soul as opposed to material or physical things<sup>17</sup>.

It is fundamental to atheism that there is no incarnate human soul and the word “spiritual”, with this meaning, has no place in a statute. Its origins are in the Education Act 1944, at which time such meaning was accepted without question and the spiritual development of children was carried out largely through collective worship and religious instruction.

Over the years, the term “spiritual development” has proved increasingly problematical in educational circles and a different meaning has been developed. Ofsted’s current definition is:-

<sup>15</sup> Both *Compact Oxford English Dictionary*.

<sup>16</sup> Defined below.

<sup>17</sup> *Oxford Dictionary of English*.

Spiritual development is the development of the non-material element of a human being which animates and sustains us and, depending on our point of view, either ends or continues in some form when we die. It is about the development of a sense of identity, self-worth, personal insight, meaning and purpose. It is about the development of a pupil's 'spirit'. Some people may call it the development of a pupil's 'soul'; others as the development of 'personality' or 'character'.<sup>18</sup>

"Non-material element" is still tantamount to a disembodied soul, which has no place in atheist thought. However, the definition is framed in the alternative with "'personality' or 'character'" being the non-dualistic substitute for "soul".

"Moral development" is also a deeply problematic concept, again having its origins in the Education Act 1944. At that time, religion was widely regarded as the sole source of morality.

Today, it is a matter of debate whether or not there are any absolute moral values and what moral values ought to be. *Atheism* holds no affirmative moral position, since none can be derived from the premise "God does not exist", but it rejects any moral position derived from the premise "God exists". Subject to that, morality is a matter for individual members, among whom there may be a wide diversity.

Here again, *Atheism* broadly concurs<sup>19</sup> with the position of the National Secular Society:-

There is also the issue of religion being promoted as the only source of morality. This is partly the source of the idea that religious schools have a superior 'ethos' to non-religious schools. Scientific research shows that rules are necessary for any group of social animals; morals and ethics are the human response to this need and religion just codifies this aspect of human behaviour rather than being the source of it, and adds a supernatural element. Another reason that teaching religion in schools is a bad idea is that it creates the impression that the rules of that religion are superior to those of other religions and that non-believers either have no morals or have a watered-down version of religious morals.

"Social" does not actually appear in the above statute<sup>20</sup>. "Cultural" development is more obviously to be promoted through subjects other than RE, such as English, drama, music and art. We are left, therefore, to consider just spiritual and moral development – problematical as these are. It is not at all obvious how they can be promoted through other subjects, such as mathematics, and RE is traditionally regarded, and is relied upon, as the proper vehicle for doing so. Indeed, the Government's "*Religious education in English schools: Non-statutory guidance 2010*" states:-

Learning about and from religions and beliefs, through the distinct knowledge, understanding and skills contained in RE within a broad-based curriculum, is essential to achieving these aims. Exploring the concepts of religion and belief and their roles in the spiritual, moral and cultural lives of people in a diverse society helps individuals develop moral awareness and social understanding.

However:-

- The above statutory requirement<sup>21</sup> applies to the **whole** curriculum (including the two other elements: the National Curriculum and sex education), not just to RE; and
- Parents can opt pupils out of RE without replacing it, but the statutory requirement still applies to the curriculum.

<sup>18</sup> *Promoting and evaluating pupils' spiritual, moral, social and cultural development*, 2004.

<sup>19</sup> Subject to the important qualifications that there is not necessarily just one such set of rules, and that no one set is necessarily superior to the others.

<sup>20</sup> The Government's guidance, referred to below, erroneously states that it does.

<sup>21</sup> Section 78(1)(a), of the Education Act 2002.

Therefore, the statutory requirement allows spiritual and moral development to be as much the product of the environment and process of study generally as of a specific subject.

## Philosophy

In addition to comparative religion, two other subjects, both branches of philosophy, can conveniently be placed within RE without (depending on how they are structured) amounting to religious instruction or indoctrination:-

**Ethics** – covering such topics as meta-ethics, normative ethics, applied ethics and deontic logic.

**Philosophy of Religion** – covering such topics as the argument from design, the ontological argument, the argument from faith, Pascal’s Wager and their refutations.

These would satisfy the statutory RE requirements. The former would also help to satisfy the “moral development” requirement.

## Types of School

We come, at last, to Schedule 19<sup>22</sup>. It applies to different types of school in different ways. All “maintained schools”<sup>23</sup> are either:-

- “**community schools**”<sup>24</sup>;
- “**foundation schools**”;<sup>25</sup> or
- “**voluntary schools**”, which are either:-
  - “voluntary **controlled schools**”<sup>26</sup>; or
  - “voluntary **aided schools**”<sup>27</sup>.

<sup>22</sup> Originally mentioned on page 1.

<sup>23</sup> Academies and city technology colleges are not strictly within the state education system and RE in them is not governed by statute. Rather, it is governed by a funding agreement between the state and the school.

<sup>24</sup> A **community school** is run by the local authority, which:-

- employs the staff;
- owns the land and buildings; and
- decides the admissions policy.

<sup>25</sup> A **foundation school** is run by its own governing body, which:-

- employs the staff; and
- decides the admissions policy.

The land and buildings are usually owned by the governing body or a charitable foundation.

<sup>26</sup> A **voluntary aided school** is run by its own governing body, which:-

- employs the staff; and
- decides the admissions policy.

The Land and buildings are normally owned by a charitable foundation, often a religious organisation. The governing body contributes to building and maintenance costs.

<sup>27</sup> A **voluntary controlled school** is similar to voluntary aided school, but is run by the local authority. As with community schools, the local authority:-

- employs the school’s staff
- sets the admissions criteria.

There is a cross-division between:-

- “**faith schools**” (this is a slang expression; the proper one is “schools with a religious character”, which must be designated as such by government order); and
- the rest (“**secular schools**”).

A community school cannot be a faith school. A foundation school may or may not be a faith school. A voluntary school may or may not be (but usually is) a faith school. Therefore, a faith school is always either a foundation school or a voluntary school.

Schedule 19 distinguishes between:-

- faith schools that are foundation or voluntary controlled schools (“weak faith schools”); and
- faith schools that are voluntary aided schools (“strong faith schools”).

For secular schools, RE is to be provided in accordance with an **agreed syllabus**<sup>28</sup>.

For weak faith schools, the default position is that RE is to be provided in accordance with an agreed syllabus. However, parents of individual pupils may opt for RE to be provided to them in accordance with the provisions of the school’s trust deed or (if none) the tenets of the school’s religion. Therefore, there may be two types of RE being provided within the same school.

For strong faith schools, the position is reversed. The default position is that RE is to be provided in accordance with the provisions of school’s trust deed or (if none) the tenets of the school’s religion. However, parents of individual pupils may opt for RE to be provided to them in accordance with an agreed syllabus, but only if they cannot “with reasonable convenience” attend another school where an agreed syllabus is used. Again, this may lead to two types of RE being provided within the same school.

Paradoxically, RE is compulsory in the sixth forms of schools (even though school is not compulsory) but not in sixth form colleges<sup>29</sup>. It is normally provided as part of general studies.

## Agreed Syllabus

“Agreed syllabus” has the meaning given by section 375(2) of the Education Act 1996, which is<sup>30</sup>:-

a syllabus of religious education prepared in accordance with Schedule 31, and adopted by a local education authority under that Schedule, whether it is:-

- for use in all the schools maintained by them; or
- for use in particular such schools; or
- in relation to any particular class or description of pupils in such schools.

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School land and buildings are normally owned by a charity, often a religious organisation, which also appoints some of the members of the governing body.

<sup>28</sup> Explained in full below.

<sup>29</sup> Because they are not within the same statutory regime as schools.

<sup>30</sup> Bullet separation added.

There are four key elements to this:-

- The meaning of “syllabus”.
- Schedule 31, which is about Agreed Syllabus Conferences.
- Adoption by the local education authority (“LEA”).
- The potential for multiple syllabuses within a locality.

### The meaning of “syllabus”

“Syllabus” is not defined, nor are the contents of and agreed syllabus prescribed, in any of the statutes. The ordinary meaning of “syllabus” is:-

the topics in a course of study or teaching<sup>31</sup>.

Therefore, an agreed syllabus need comprise nothing more than a list of topics. Furthermore, if an agreed syllabus comprises more than this, schools<sup>32</sup> are only obliged to secure that religious education is given in accordance with the list.

In contrast, the National Curriculum is required to include “programmes of study”, which means “matters, skills and processes which are required to be taught to pupils of different abilities and maturities”. There is no such requirement for an agreed syllabus.

Nevertheless, agreed syllabuses do normally include a programme of study, or specify accredited courses serving that function. Indeed, the non-statutory national framework<sup>33</sup> recommends that they should. However, schools would be entitled to adopt their own programmes of study.

### Agreed Syllabus Conferences

Agreed syllabuses are reconsidered every five years by “Agreed Syllabus Conferences”<sup>34</sup> convened for that purpose. A conference is appointed by the LEA and comprises four committees representing: Christian and other religious denominations in the area; the Church of England; teachers in the area; the LEA itself.

The conference makes recommendations to the LEA on the agreed syllabus.

### Adoption by the Local Education Authority

There are two aspects to this:-

- An agreed syllabus is local. It is adopted locally and applied locally. It is not part of the National Curriculum. At most (but not necessarily least – see below) it covers the area of the particular LEA.

<sup>31</sup> Both *Compact Oxford English Dictionary*.

<sup>32</sup> Strictly-speaking, headteachers.

<sup>33</sup> See page 8.

<sup>34</sup> Contrary to popular misconception (perhaps because people like the acronym), not **SACREs** (“Standing Advisory Councils on Religious Education”); these are different bodies, which fulfil a different function.

- If the conference unanimously recommends continuation of the existing syllabus or the adoption of a new one the LEA may give effect to the recommendation, but only if:-

it appears to the authority that the syllabus reflects the fact that the religious traditions in Great Britain are in the main **Christian** while taking account of the teaching and practices of the other principal religions represented in Great Britain.<sup>35</sup>

These then are the statutory provisions which (together with the constitution of the conferences) place Christianity and (to a lesser extent) other religions in privileged positions in RE.

However, this does not rule out RE<sub>1</sub> provided it is stated, in comparative religion, that the religious traditions in Great Britain are in the main Christian, while taking account of the teaching and practices of the other principal religions represented in Great Britain.

### The potential for multiple syllabuses within a locality

Almost invariably, an LEA adopts a single agreed syllabus which covers its entire area (apart from strong faith schools). However, the law allows for different agreed syllabuses for different schools, or even for different classes or descriptions of pupils within schools.

In relation to faith schools<sup>36</sup>, there is, as we have already seen, the potential difference relating to the allowance of catechisms and formularies.

In principle, a multiplicity of agreed syllabuses could be produced in each locality or even each school. There is no obligation on LEAs to do this, but “bottom-up” pressure, as proposed below, could lead to it.

### Parental Options

The most well-known provision is contained in Section 71(1)(a) of the School Standards and Framework Act 1998:-

If the parent of a pupil at a community, foundation or voluntary school requests that he may be wholly or partly excused from receiving religious education given in the school in accordance with the school’s basic curriculum, the pupil shall be so excused until the request is withdrawn.

This applies to faith schools and secular schools alike. It applies even if a parent has used his or her religion to gain a pupil’s admission to a faith school under its admissions policy<sup>37</sup>.

Pupils, whose parents have exercised this option, usually undertake private study in the school library during opt-out periods. There is no obligation on the school to provide alternative lessons. Indeed, it is not clear that the school is even entitled to do so. Further enquiry is required.

<sup>35</sup> This mirrors Section 375(3):-

Every agreed syllabus shall reflect the fact that the religious traditions in Great Britain are in the main **Christian** whilst taking account of the teaching and practices of the other principal religions represented in Great Britain.

<sup>36</sup> Which would, in practice, be weak faith schools – unless parents had exercised their “opt-in” in strong faith schools.

<sup>37</sup> However, a parent, who took such course of action, might be subject to investigation by the LEA and, if founded to have faked his or her religion, might be prosecuted for fraud.

We have already come across two lesser-known parental options, to opt out of the agreed syllabus, and into the school's own, in weak faith schools and *vice versa* in strong faith schools.

## The Non-Statutory National Framework

Agreed syllabuses are local, even sub-local. However, the government has issued a “non-statutory national framework for religious education”. It was prepared with the support of a steering group consisting of “faith and belief communities and professional organisations”, including the Church of England and the Catholic Education Service. It is not binding on LEAs.

### Recommendations

*Atheism* aims to bring about the progressive phasing-out and ultimate abolition of RE, both by way of:-

- repeal of RE legislation; and
- reform of SMSC legislation.

Pending abolition, RE should be rigorously restricted to RE<sub>1</sub>.

Assuming that the law is not going to change in the foreseeable future, the following recommendations favour a “bottom-up” reform, under which parents, schools and pupils are encouraged to exploit the existing law, and resources are provided to enable them to do so. However, such action may, in itself:-

- bring about changes in government and LEA policy; and
- hasten changes in the law.

These are the recommendations:-

#### 1. Opt-out of religious education

- a) Encourage parents (and pupils to encourage their parents to do so) to opt pupils out of RE.
- b) Provide resources for alternative lessons during opt-out periods, comprising:-
  - i) subjects, syllabuses and programmes of study; and
  - ii) voluntary teaching staff.

These alternative lessons must be popular (to encourage opt-out). The subjects could be anything, and not necessarily connected with religion.

#### 2. Alternative religious education

- a) Encourage schools to ignore the programmes of study in agreed syllabuses (which are not binding on them) and follow only the lists of topics (which are);
- b) Provide alternative programmes of study of the RE<sub>1</sub> type and possibly voluntary teaching staff<sup>38</sup>.

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<sup>38</sup> In much the same way as the evangelical religious groups, referred to above, do.

**3. Opt-in to agreed syllabus**

Encourage parents of pupils in strong faith schools (and those pupils to encourage their parents to do so) to opt pupils into the agreed syllabus (as the “lesser of two evils”).

**4. Alternative agreed syllabuses**

Encourage LEAs to adopt alternative agreed syllabuses of the RE<sub>1</sub> type.

There would be interplay between these strategies. 1 would be the bottom line, but it would encourage 2 and 4. 2 would also encourage 4 and 4 would encourage 3.

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