

**Ministerial Advice**

**To:** 1. Claire Rowlands 2. Cabinet Secretary for Education

**From:** Gareth Beynon, Curriculum

**Date:** 18 September 2017

**Subject:** Collective Worship in schools in Wales

**MATS Reference number:** MA - P/KW/3171/17

**When is a decision required from the Minister?** Priority. The NAW Petitions Committee has taken a significant interest in this matter.

**1. What is the issue you are asking the Minister to consider?**

The provision for Collective Worship in schools, in the light of correspondence from the National Assembly for Wales' (NAW) Petitions Committee about petitions on this matter.

**2. What actions are you recommending to the Minister?**

The Cabinet Secretary is asked to:

- note the position regarding Collective Worship in schools, as set out in Section 4;
- write to the NAW Petitions Committee, as per the draft letter provided at **doc 1**.

**3. Deputy Director - Statement of Assurance**

I, *Claire Rowlands, Deputy Director, Curriculum* confirm that I have quality assured this advice.

I am satisfied that the recommended decision or action, if agreed, would be lawful and affordable. Welsh Government policy priorities and cross-portfolio implications have been fully considered.

**Advice**

**4. Context - What is the situation that has led to this advice?**

Collective Worship has been a requirement in law since the enactment of the Education Act 1944, with the relevant provisions stating that: "*the school day in every*

*county school and in every voluntary school shall begin with collective worship on the part of all pupils in attendance at the school”.*

Subsequently, the provision has carried through various Education Acts, as well as the School Standards and Framework Act 1998 (“the 1998 Act”), and continues to apply in Wales, as it does in England.

Currently, section 70 of the 1998 Act requires that every pupil at a maintained school in Wales takes part in a daily act of Collective Worship. The Collective Worship must be wholly or mainly of a Christian character. Not every act of Collective Worship needs to meet the requirement, but the majority should. The law does allow a head teacher to apply to the local authority’s Standing Advisory Council on Religious Education to change the nature of the Collective Worship to reflect some other religion. However, there must always be a daily act of Collective Worship of a religious character.

The present key guidance on the provision of Collective Worship in schools in Wales is set out in Welsh Office Circular 10/94. Officials note that this Circular is now 23 years old and has not been reviewed over this time. Legal Services have specifically noted that the legislation cross-referenced in the Circular has long since been repealed. Therefore, it does not provide up-to-date, clear guidance on the state of the law in Wales in this area, and so no longer fulfils the role it was designed to. It is now considered to be out of date and should be reviewed and replaced.

The right to withdraw children from Collective Worship is available to parents, and sixth form pupils also have an independent right to withdraw themselves. Parents can request that their child be excused from Collective Worship and schools must agree to such requests, in all circumstances. Parents do not have to give reasons for the withdrawal. The school may, in agreement with parents, provide alternative arrangements for worship for one or more pupils that are withdrawn, but is not obliged to do so.

It should be emphasised, however, that Collective Worship is **not** part of the National Curriculum for Wales, and is distinct from Religious Education (RE), which is taught as part of the basic curriculum under Section 101 of the Education Act 2002. The *Successful Futures* report made no reference to Collective Worship within its findings and recommendations.

School assemblies and Collective Worship are independent activities, although they often take place as part of the same gathering. Collective Worship can be provided to pupils in any sized group - for example, as a class, a year group, or a whole-school community. The responsibility for the planning and delivery of acts of Collective Worship rests with schools, and those leading acts of Collective Worship are required to be sensitive to the views or beliefs of all learners.

The law on Collective Worship was enacted before the Human Rights Act 1998. Those that object to it argue that the law is incompatible with the articles of ECHR set out in the Human Rights Act, UNCRC and also the Equalities Act 2010. The concerns are that the requirement that it be wholly or mainly of a Christian character

does not allow for fair or equal treatment with other religions or non-religious world views such as humanism or agnosticism.

### **Petitions on Collective Worship**

In July, the NAW Petitions Committee wrote to you about petitions lodged by school pupils, in favour of and against the provision of collective worship in schools.

Following consideration of the petitions, the Committee raised with you the following specific questions:

- if the Welsh Government will consider reviewing the current law and guidelines surrounding Collective Worship;
- whether any consideration has been given to the compatibility of the current requirements with human rights law, in particular the right to Freedom of Belief.

A holding response was issued in order to allow time for full consideration of these issues.

### **5. What legal or policy obligations are relevant to this advice?**

In accordance with Section 70 of the School Standards and Framework Act 1998 (as amended), schools in Wales must provide a daily act of Collective Worship. The nature of that Collective Worship is set out in Schedule 20 to the Education Act 1996.

With regard to Welsh Government policy obligations:

- **UNCRC** – the latest UNCRC report recommends 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.*”
- **Tackling Poverty** – no implications arising from this advice.
- **EU law** – no implications arising from this advice.
- **Trade Union engagement** – no implications arising from this advice.
- **Well-being of Future Generations Act** – no implications arising from this advice.

**6. What are the financial implications of Ministers agreeing to this advice and which budget will this be paid through?**

There are no financial implications arising from the recommendations set out in this advice.

As there are no issues of regularity or propriety, this advice does not need prior approval by the Corporate Governance Unit (CGU).

In accordance with FN 01/15, the advice has been copied to the CGU & FP Mailboxes for monitoring purposes.

The EPS Operations Team is content this MA complies with Interim Finance Notice 01/2015 (***EPS/KW/234/17***)

**7. What communication, engagement or media activity is planned following this decision?**

No immediate communications activity planned.