

Number: WG40225



Llywodraeth Cymru
Welsh Government

Welsh Government Consultation Document

Curriculum for Wales: Religion, values and ethics.

Legislative proposals for religion, values and ethics in the Curriculum
for Wales Framework

Date of issue: 05 May 2020
Action required: Responses by 28 July 2020

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Curriculum for Wales: Religion, values and ethics

| | |
|--|--|
| Overview | We want your views on the legislative proposals to support religious education as a mandatory subject in the Curriculum for Wales for all learners 3 - 16, within the Humanities Area of Learning and Experience. |
| How to respond | Responses to this consultation should be e-mailed/posted to the address below to arrive by 28 July 2020 at the latest |
| Further information and related documents | <p>Large print, Braille and alternative language versions of this document are available on request.</p> <p>Our National Mission: A Transformational Curriculum https://gov.wales/our-national-mission-transformational-curriculum</p> <p>Ensuring access to the full curriculum: https://gov.wales/ensuring-access-full-curriculum</p> <p>Written Statement: Religion, Values and Ethics: https://gov.wales/written-statement-religion-values-and-ethics</p> <p>The consultation documents can be accessed from the Welsh Government's website at gov.wales/consultations</p> |
| Contact details | <p>For further information:</p> <p>Arts, Humanities and Well-being Branch Curriculum and Assessment Division The Education Directorate Welsh Government Cathays Park Cardiff CF10 3NQ</p> <p>e-mail: RVEConsultation@gov.wales.</p> |



@WG_Education



Facebook/EducationWales

Contents

| | |
|--|----------|
| General Data Protection Regulation (GDPR) | 2 |
| Summary | 0 |
| What are the main issues? | 0 |
| Current arrangements for Religious Education in Wales | 0 |
| Proposed changes | 2 |
| Scope of RVE | 2 |
| Guidance in relation to agreed syllabi | 2 |
| Agreed syllabi and denominational syllabi and expectations for different types of school | 3 |
| Community schools and foundation and voluntary schools without a religious character | 3 |
| Voluntary controlled schools with a religious character | 3 |
| Voluntary aided schools with a religious character | 4 |

General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

e-mail: Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113

Website: <https://ico.org.uk/>

Summary

What are the main issues?

1. Religious education (RE) is a mandatory part of the current curriculum for all registered pupils at a school except for nursery classes. It will continue to be mandatory in the Curriculum for Wales, but now for all learners 3 - 16, as a part of the Humanities Area of Learning and Experience.
2. Our expectation, based on the current case law, is that the teaching of Religion, Values and Ethics (RVE), must be pluralistic in nature. This means it must be balanced in its content and manner of teaching. It should reflect the range of different religions, non-religious philosophical convictions or worldviews which are held by people in Wales and Great Britain. Ensuring the legislative framework supports this appropriately is a key consideration in designing the arrangements for the new Curriculum.
3. The recent consultation [Ensuring Access to the Full Curriculum](#) proposed a change to the name of RE to make it clear that this element of the curriculum is intended to cover more than religion.
4. Following consideration of advice on the consultation responses and impact assessment, the [Minister for Education subsequently determined](#) that the subject would be renamed as “Religion, Values, and Ethics” in the new curriculum.
5. The same consultation also sought views on the practical implications of a proposal that the new curriculum should not provide a parental right to withdraw pupils from RE (or RVE in the new curriculum) and sex education (RSE in the new curriculum.) Again, following careful consideration of advice on the consultation responses, impact assessment and fit with the Welsh Government’s curriculum policy, the Minister for Education determined that there should not be provision for a parental right to withdraw pupils from RVE and RSE, with the introduction of the new curriculum.
6. Since that decision, further detailed work has been undertaken to determine the wider changes required to legislation to put this policy into effect.
7. This consultation is to seek your views on the further proposed changes to legislation to support RVE as a mandatory part of the Curriculum for Wales.

Current arrangements for Religious Education in Wales

8. Currently, each Local Authority is required to convene an Agreed Syllabus Conference (ASC) if any representative group on its Standing Advisory Council on Religious Education requests it to do so. The ASC then determines the content of the agreed syllabus or agreed syllabi for RE to be taught in schools maintained by that local authority.
9. Maintained schools without a religious character are required to teach RE in accordance with an agreed syllabus adopted for those schools or for their pupils
10. For maintained schools of a religious character there are slightly different arrangements.

11. A foundation or voluntary controlled school with religious character is required to teach RE in accordance with an agreed syllabus adopted for the school or for its pupils. However, where a pupil's parent requests it, they must secure denominational RE for the pupil in accordance with the trust deed of the school or (if the trust deed does not make provision for that purpose) in accordance with the tenets of the faith specified in relation to the school unless the governing body is satisfied that because of any special circumstances it would be unreasonable to do so.
12. A voluntary aided school with a religious character must provide RE in accordance with the trust deed of the school or (if the trust deed does not make provision for that purpose) in accordance with the tenets of the faith specified in relation to the school. However, a pupil's parent may ask the school to provide RE to his/her child in accordance with an agreed syllabus adopted by the local authority. If a request is made and the parent cannot, with reasonable convenience, cause the pupil to attend another school where an agreed syllabus of that kind is taught, the school must secure RE for the pupil in accordance with an agreed syllabus of that kind unless the governing body is satisfied that because of any special circumstances it would be unreasonable to do so.
13. We could ensure the provisions of pluralistic RE by one of two ways. Both would ensure the proposed legislative framework and guidance would be compatible with the rights protected by the Human Rights Act 1998. The first way would be to impose a new obligation on all schools to teach RE in a pluralistic manner. This approach would remove all other restrictions and would force all schools to change the way they teach (assuming any change was necessary). It would also have primacy over any provision set out in their trust deeds. This would be likely to have an impact on the ability of voluntary aided schools with a religious character to teach RE in accordance with their trust deeds or in accordance with their denomination. The scale of that impact would vary depending on the specific provision contained in the school's trust deed and the approach currently adopted in the school. We are not proposing to pursue this option because it would have significant implications for schools of religious character and it is not our intention to make fundamental changes to these arrangements.
14. The second approach is not to impose a new obligation as described above, but to make a number of legislative changes to legislation related to the provision of the agreed syllabus to ensure, so far as a possible, that it meets the Pluralistic Requirement. The approach would not require all schools to change their teaching practice, as it would allow schools to continue to teach according to their trust deeds or in accordance with their denominations. However, the approach would ensure that all pupils have access to pluralistic RE. This is the approach we propose.

Proposed changes

15. We are proposing to make the following changes.

Scope of RVE

16. In addition to changing the name to RVE, we propose to make amendments to existing legislation to make it explicit that any agreed syllabus for RVE must reflect both religious beliefs and also non-religious beliefs which are philosophical convictions within the meaning of Article 2 Protocol 1 (and which are therefore beliefs within the meaning of Article 9) of the European Convention on Human Rights. Our aim in proposing this amendment is to make it clearer that the philosophical convictions and beliefs that need to be reflected are only those that are caught from time to time by Convention Rights case law and so have a certain level of seriousness, cogency, cohesion and importance under the Human Rights Act 1998. These include beliefs such as humanism or atheism. It will be for the ASCs to determine what should be included in the agreed syllabus. We will be providing guidance and ASCs to help them with this task.

17. We propose to give effect to this proposal as follows. Where there is currently reference to *'such Christian denominations and other religions and denominations of such religions as, in the opinion of the authority, will appropriately reflect the principal religious traditions in the area'* or equivalent, we propose adding additional provision making reference to non-religious philosophical convictions within the meaning of Article 2 Protocol 1¹ (and hence beliefs within the meaning of Article 9²) of the European Convention on Human Rights. Changes will also be made to the provisions dealing with the membership of SACRES and ASCs to create new groups to represent those who hold philosophical convictions of that kind.

18. We do not think these changes reflect a material change in the law. We consider that these changes make explicit what the law already requires – the pluralistic teaching of RE in accordance with the European Convention on Human Rights. We wrote in May 2018 to SACRES to confirm our interpretation of the existing provision and case law was that that local authorities could invite representatives to become members of SACRES and ASCs. However, we think the greater clarity is helpful and contributes to conveying the expectation that RE (and now RVE) must be pluralistic.

Guidance in relation to agreed syllabi

19. We propose making new provision requiring the local authority, SACRE and ASC to have regard to guidance issued by the Welsh Ministers in relation to the curriculum in developing and adopting an agreed syllabus.

¹ Article 2 Protocol 1: "No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions."

² Article 9 provides: "(1) everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance. (2) Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others."

Agreed syllabi and denominational syllabi and expectations for different types of school

20. As noted earlier, a key consideration for RVE is ensuring that that teaching and learning is pluralistic in nature. We are proposing a number of changes to the current legislation as it relates to the teaching of RVE in different types of school. The new Curriculum for Wales provides a clear national framework within which schools will design a curriculum which meets the needs of their learners. The new Curriculum is intended to be less prescriptive and, importantly, creates new duties for schools to design their own curriculum and then implement the curriculum they have designed and adopted. Both the policy emphasis on less prescription and the practical implications of schools being required to design their own curriculum requires us to consider the appropriate status of agreed syllabi. We have concluded that, in general, it will be more appropriate for schools to be required to have regard to an agreed syllabus rather than to teach in accordance with it. This change allows schools some discretion to depart from the Agreed Syllabus. We have set out the proposed arrangements for different types of school and the rationale for them below:

Community schools and foundation and voluntary schools without a religious character

21. Community schools and foundation and voluntary schools without a religious character will be required to have regard to an agreed syllabus in designing and implementing teaching and learning for the mandatory element of RVE within the school curriculum as a mandatory element of their curriculum as part of the Humanities Area of Learning and Experience. These schools will no longer be required to teach *in* accordance with an agreed syllabus and will continue to be precluded from offering a denominational syllabus.

22. Although these schools generally provide RE in accordance with the agreed syllabus, they may be required to provide RE in a different form, pursuant to paragraph 2(3) of Schedule 19 to the School Standards and Framework Act 1998, if:

- the school in question is a secondary school, and
- a pupil's parent wants the pupil to receive RE in the school in accordance with the tenets of a particular religion or religious denomination; and
- satisfactory arrangements have been made for the pupil to receive RE of the type wanted by the parent in the school, without the school or the local authority having to bear the cost of providing that education..

In those circumstances, the local authority must provide facilities for carrying out the arrangements made by the parents, unless the authority is satisfied that there are special circumstances that make it unreasonable to do so.

23. We propose to remove this additional right to alternative (potentially non-pluralistic) RE in schools without religious character because we do not consider it fits with the principle of seeking to ensure pluralistic RE in schools in Wales.

Voluntary controlled schools with a religious character

24. Voluntary controlled schools with religious character, will be required to *design* their curriculum so that it provides both for two alternatives:

- RVE which has been designed having regard to an agreed syllabus

- RVE which has been designed in accordance with the trust deeds of the school or the tenets of the faith of the school

In *implementing* their curriculum, the default for these schools will be for learners to receive the RVE which has been designed having regard to an agreed syllabus but, as now, RVE in line with the trust deeds or tenets of the faith must be provided where a parent requests it.

Voluntary aided schools with a religious character

25. Voluntary aided schools with religious character, will be required to *design* their curriculum so that it provides both for two alternatives:

- RVE which has been designed in accordance with the trust deeds of the school or the tenets of the faith of the school
- RVE which has been designed in accordance with an agreed syllabus

In *implementing* their curriculum, the default for these schools, as now, will be for learners to receive RVE in line with the trust deeds or tenets of the faith of the school. However, where a parent requests RVE in accordance with an agreed syllabus, it must be provided. The schools will have no discretion as to whether to accept this request.

26. The changes simply build these policy intentions in appropriately to the new duties of design (and adoption) and implementation which will be placed on schools by the Bill. Additionally the proposals ensure that a non-denominational and pluralistic version of RVE is available in every school and is either the default or must be provided on request. As noted above in respect of voluntary aided schools of a religious character, we propose to allow those schools to teach RVE in accordance with their trust deed or in accordance with their denomination. This preserves the current position for those schools. However, we also propose to make other changes to ensure that parents have an absolute right to require the school provide RVE in accordance with an Agreed Syllabus when so requested. At present, the parents' right to such provision is qualified. While parents may request RE to be taught in accordance with an agreed syllabus, there is currently no duty on the school to make arrangements to that effect if it is reasonably convenient for the pupil to attend another school at which the agreed syllabus is in use, or if there are special circumstances that make it unreasonable for the school to make those different arrangements.

27. As noted above, in general, we think it is appropriate that schools should be required to have regard to an agreed syllabus, rather than be required to design their curriculum in accordance with an agreed syllabus. However, we have proposed an exception to this general approach where Voluntary Aided schools are designing their 'alternative' RVE curriculum or implementing it. This exception does not impact on their denominational RVE provision. The reason for proposing this distinction is to offer parents clarity about the alternative RVE provision on offer in those schools.

28. Schools will continue to need to assure themselves that their RVE provision satisfies the pluralistic requirement created by human rights legislation and SACRES, ASCs and Local Authorities will continue to need to assure that any agreed syllabus they develop and then adopt also meets these requirements.

Curriculum for Wales: Religion, values and ethics

Consultation response form

Your name:

Organisation (if applicable):

e-mail/telephone number:

Your address:

Responses should be returned by **28 July 2020** to

Arts, Humanities and Well-being Branch
The Education Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

or completed electronically and sent to:

e-mail: RVEConsultation@gov.wales.

Question 1 – Do you agree that religion, values and ethics (RVE) should encompass both religious and non-religious beliefs that are philosophical convictions (in line with the European Convention on Human Rights) as described in the consultation document?

| | | | | | |
|--------------|--------------------------|-----------------|--------------------------|-----------------------------------|--------------------------|
| Agree | <input type="checkbox"/> | Disagree | <input type="checkbox"/> | Neither agree nor disagree | <input type="checkbox"/> |
|--------------|--------------------------|-----------------|--------------------------|-----------------------------------|--------------------------|

Supporting comments (no more than 250 words)

Question 2 – Do you agree that agreed syllabus conferences **must have regard** to statutory guidance when they are developing their locally agreed syllabus?

| | | | | | |
|--------------|--------------------------|-----------------|--------------------------|-----------------------------------|--------------------------|
| Agree | <input type="checkbox"/> | Disagree | <input type="checkbox"/> | Neither agree nor disagree | <input type="checkbox"/> |
|--------------|--------------------------|-----------------|--------------------------|-----------------------------------|--------------------------|

Supporting comments (no more than 250 words)

Question 3 – Do you agree with our proposal that community schools and foundation and voluntary schools **without a religious character** must be required to have regard to an agreed syllabus in designing and implementing RVE?

| | | | | | |
|--------------|--------------------------|-----------------|--------------------------|-----------------------------------|--------------------------|
| Agree | <input type="checkbox"/> | Disagree | <input type="checkbox"/> | Neither agree nor disagree | <input type="checkbox"/> |
|--------------|--------------------------|-----------------|--------------------------|-----------------------------------|--------------------------|

Supporting comments (no more than 250 words)

Question 4 – Do you agree with our proposal that parents/carers of learners in schools **without a religious character** must no longer be able to request provision of RVE in line with tenets of a particular faith?

| | | | | | |
|--------------|--------------------------|-----------------|--------------------------|-----------------------------------|--------------------------|
| Agree | <input type="checkbox"/> | Disagree | <input type="checkbox"/> | Neither agree nor disagree | <input type="checkbox"/> |
|--------------|--------------------------|-----------------|--------------------------|-----------------------------------|--------------------------|

Supporting comments (no more than 250 words)

Question 5 – Do you agree with the proposal that voluntary-controlled schools **with religious character** can teach RVE in accordance with the trust deeds of the school or the tenets of the faith of the school **if requested by parents/carers**?

| | | | | | |
|--------------|--------------------------|-----------------|--------------------------|-----------------------------------|--------------------------|
| Agree | <input type="checkbox"/> | Disagree | <input type="checkbox"/> | Neither agree nor disagree | <input type="checkbox"/> |
|--------------|--------------------------|-----------------|--------------------------|-----------------------------------|--------------------------|

Supporting comments (no more than 250 words)

Question 6 – Do you agree that **voluntary-aided schools with a religious character** should be **required** to teach the agreed syllabus **where a parent/carer requests it** and should not have discretion to refuse to do so?

| | | | | | |
|--------------|--------------------------|-----------------|--------------------------|-----------------------------------|--------------------------|
| Agree | <input type="checkbox"/> | Disagree | <input type="checkbox"/> | Neither agree nor disagree | <input type="checkbox"/> |
|--------------|--------------------------|-----------------|--------------------------|-----------------------------------|--------------------------|

Supporting comments (no more than 250 words)

Question 7 – We would like to know your views on the effects that these proposals in relation to religion, values and ethics would have on the Welsh language, specifically on:

- i) opportunities for people to use Welsh
- ii) treating the Welsh language no less favourably than the English language.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Supporting comments

Question 8 – Please also explain how you believe the proposed policy on religion, values and ethics in the Curriculum for Wales could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Supporting comments

Question 9 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: