



Arts & Humanities
Research Council



AHRC RESEARCH NETWORK
**COLLECTIVE WORSHIP IN SCHOOLS:
AN EVALUATION OF LAW AND POLICY IN THE UNITED KINGDOM**

**SEMINAR 2: MARCH 2015
COLLECTIVE WORSHIP - OPPORTUNITES AND CHALLENGES**

ABSTRACTS

Children's autonomy and collective worship

Frankie McCarthy, University of Glasgow

In recent decades, support for the development of autonomous decision-making powers during childhood has come to be seen as in the best interests of the child. The autonomy interest must, however, be balanced against the child's other needs, and also the potential consequences the exercise of childhood autonomy may have on the child's options as an adult. This paper will explore how the autonomy interest might inform law and practice around the legislative obligation on children to participate in collective worship or religious observance in the jurisdictions which make up the United Kingdom.

The paper will open with a brief introduction to the concept of autonomy. Part II will trace the historical development of the idea of childhood autonomy in the UK, and set out a theoretical framework for incorporating the development of autonomy into childhood without undue risk to the current or future interests of the child. John Eekelaar's theory of 'dynamic self-determinism' will be central to this framework. Part III will look at the extent to

which childhood autonomy is currently recognised in two specific contexts, namely medical decision-making and participation in court proceedings. In Part IV, drawing on the material previously discussed, recommendations will be made for reform of law and practice in relation to collective worship/religious observance to ensure they offer appropriate protection for the autonomy interest of the child.

The contribution of Collective Worship/Religious Observance to spiritual development

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In all four countries of the UK, collective worship, entitled religious observance in Scotland, is understood to make a strong contribution to the spiritual development of pupils. This paper will examine ways in which collective worship, including religious observance, has been identified as contributing to the spiritual development of children and young people, particularly since the 1980s. The paper will examine how governments, inspection authorities and academics have understood the relationship between collective worship and spiritual development, and how they expect collective worship to contribute to children and young people's spiritual development in publically-funded schools.

The notion of spiritual development was introduced to school education in the UK with the 1944 (Butler) Education Act. It was re-established in England and Wales with the 1988 Education (Reform) Act, and to Northern Ireland through the 2007 Statutory Rules of Northern Ireland. It has been given special emphasis in Scotland through the *Curriculum for Excellence*. Since the 1980s, a substantive body of theory and practice has developed in relation to spirituality in education, both in the UK and internationally, and in relation to spirituality in the caring professions generally. In publically-funded schools, spiritual development must be understood in such a way as to include *all* children and young people, of all faiths and none; and, in England, Wales and Northern Ireland, opportunities for spiritual development should be available across curriculum subjects. Internationally, the contemporary understanding of spirituality has become untethered from religion and has a wide, and some would say, largely secular set of concerns, as seen in the 2015 Ofsted Handbook definition:

The *spiritual* development of pupils is shown by their:

- ability to be reflective about their own beliefs, religious or otherwise, that inform their perspective on life and their interest in and respect for different people's faiths, feelings and values
- sense of enjoyment and fascination in learning about themselves, others and the world around them
- use of imagination and creativity in their learning
- willingness to reflect on their experiences.

Through an examination of academic literature, government policy documents and inspection guidance, the paper will describe the perceived relationship between spiritual development and collective worship in publicly-funded schools in the four countries of the UK. It will discuss the problematics of mapping the contemporary understanding of spiritual development onto a religiously-based understanding of collective worship, and examine how this tension has been addressed in each of the four countries.

Philosophy with Children: an approach to religious observance

Claire Cassidy, University of Strathclyde

Following calls for a shift away from Religious Observance (RO) towards 'Time for Reflection' to take account of the diverse nature of the Scottish population in terms of religious belief and those with no religious belief or faith, this chapter considers an alternative to RO. The approach proposed is philosophical in nature and focuses on Philosophy with Children (PwC).

PwC is a practical, structured philosophy. There are a range of PwC practices that grew from Matthew Lipman's original Philosophy for Children (P4C) programme. Proponents of PwC espouse the importance of inquiry and reflective, critical thinking. The chapter contends that doing PwC is a sound approach for inculcating reflection on beliefs/non-belief, values and understanding, all features of religious observance. Importantly, too, it engenders in participants thinking that concerns itself with the world and one's place in that world from a philosophical perspective with a view to enacting and effecting positive impact on one's world.

This thinking in action is seen to be desirable when the aim of religious observance is to encourage ‘...children and young people to consider, reflect upon, and respond to important questions about the meaning and purpose of existence, the range and depth of human experience and what is ultimately worthwhile and valuable in life... [and that] contributes to pupils thinking for themselves and making their own decisions about what they believe to be true about human living’ (Scottish Government, 2011). PwC presents children and young people with the opportunity to explore questions about their lives, the world, and their place within that world with the aim of supporting them in understanding their own views and the views of others to determine the kind of world in which they would like to live. This chapter proposes that PwC offers an approach to religious observance or an alternative for those withdrawn from such activity, but that it also has the potential to enrich the religious education experiences of all children.

The Law on Collective School Worship: a Twentieth Century Instrument of State Survival

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The introduction and continued practice of collective worship as a compulsory activity in schools in Wales, Northern Ireland and England confound the dominant secularisation narratives of the twentieth century. In an attempt to understand the origin of the legal obligation and to explore its contemporary rationale, the paper draws on the work of Norbert Elias and Niels Reeh. In particular, it employs the Eliasian concept of the survival unit to argue that, for the State, the statutory duty to hold compulsory acts of school worship can be viewed as a valuable tool in its quest to ensure its continued existence, particularly at times when significant threats are considered to be present. While not denying the legitimacy of the State in devising such instruments, the paper questions the effectiveness of collective school worship as a tool of State survival in a multi-belief society in the twenty-first century.

Section 1 begins with an overview of the Elias concept of the survival unit and Niels Reeh’s application of the concept to form an analytical framework in which to examine the teaching of religion in Danish state schools. Section 2 presents a summary of Reeh’s analysis to illustrate how, at particular points during the twentieth century the Danish State, acting as a

survival unit, influenced the teaching of religion in order to protect its vital interests. To explore the rationale for legislative developments with respect to collective worship in England and Wales, Section 3 draws on Reeh's analytical framework in examining parliamentary debates at two specific points in time: in 1944 when the statutory obligation to hold daily acts of worship in schools was introduced, and in 1988 when the obligation was further defined. Section 4 offers concluding remarks on the validity and effectiveness of imposing acts of collective worship in schools as a contemporary tool of State survival

Human rights aspects of collective worship or religious observance in schools

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Introduction

This area is rich with tensions between different groups of rights-holders - parents, and children and young people – and between different rights –the right to religious freedom, the right to be protected from religious influence, the right to education, the right to freedom from state interference in family decision-making and the rights of different family members to be treated as autonomous decision makers. The state's obligation to respect these rights requires not only that it refrains from direct acts which would infringe them but also that it secures an appropriate balance between the different rights of the different groups of rights-holders. The paper will consider the different rights of parents and of children and young people.

Rights of children and young people

In addressing the human rights of children and young people which are raised by collective worship / religious observance in schools the key rights at issue here are freedom *to* religion and freedom *from* religion, the right to education, and the right to be listened to and have a role in decision making that affects them.

The key human rights treaties to which the UK is a party protect religious freedom, in both the positive and negative senses referred to above and this chapter will examine the approaches taken under these treaties to the balancing of the different rights. It will focus in

particular on the ECHR and the UNCRC and explore the extent to which the rights of young people have been considered under each of these. These treaties will be used to test the extent to which the rights of children and young people to freedom of religion are being respected under the current laws on collective worship / religious observance in the different jurisdictions of the UK.

Whether favouring a particular religion in a multi-faith society is in itself problematic from a human rights perspective needs to be considered. This requires an examination of the extent to which ‘faith schools’ with adherence to a particular faith may be established, and the extent to which ‘non-faith’ schools may be exempted from any requirement for worship to follow a particular faith.

The right for a pupil to be withdrawn from collective worship is often seen in national law as a means of protecting freedom *from* undue religious pressure. However, given that some of the jurisdictions of the UK permit withdrawal without the pupil’s consent, there is a question about whether there is protection of a pupil’s right *to* religion. In addition, it must be questioned whether opt-outs from collective worship are practicable, whether meaningful alternatives exist for ‘opted out’ children and, if not, whether this causes failings in relation to achieving the stated aims of the provisions of human rights treaties on the education of children and young people. Where collective worship is stated to be furthering the objective of creating a cohesive school community, the extent to which this is undermined by opt-outs with no alternative provision must be examined.

Unlike the UNCRC, the ECHR does not protect a free-standing right on the part of children and young people to be listened to or to participate in the making of decisions that affect them. However, having some input into a decision may be implicit in the substantive right to religion which is protected by the ECHR. Unlike the ECHR, the UNCRC rights are not directly enforceable in the UK courts but there have been increasing instances of the courts in the UK making reference to the UNCRC and being guided by its principles. Article 12 UNCRC requires that the views of children be obtained and taken account of in the making of decisions affecting them. This provision is not adhered to if a mature young person has no input into the decision to require attendance at collective worship or into a parental decision to

withdraw the young person from such worship against their wishes. The extent to which children and young people are allowed to express a view on attending or absenting themselves from collective worship / religious observance in schools requires attention in relation to the laws of the different jurisdictions of the UK.

Rights of parents

Relevant parental rights include the right to religion and the right to family life. The chapter will explore the extent to which parents' rights to religion includes the right to pass on that belief system to their children and the extent to which that might be compromised by a system of compulsory worship / religious observance in schools. The extent to which the state may interfere with family decision-making in general and in the specific area of education will also be explored. In the specific sphere of education, human rights treaties commonly seek to protect the rights of parents to rear and educate their children without undue state interference. Such provisions are found in the UNCRC and in the ECHR. Accordingly, state provision which seeks to respect the rights of the child or young person must do so with the parental rights also in mind. This raises the question of the extent to which the parental rights and responsibilities must gradually diminish and give way to the expression of the young person's voice. While in some areas of law, the concept of an autonomous young person, the Gillick-competent child, has been recognised to some extent, the area of education law has lagged behind in the recognition of the young person as an autonomous decision-maker. Again, the laws of Wales, England, Northern Ireland and Scotland require examination as to how this delicate balancing exercise is to be conducted.

Where parental rights are respected by an opt-out system from collective worship, it needs to be examined whether this is an adequate means of responding and whether it works in practice as a satisfactory solution. In assessing the latter, consideration is required of the extent to which parents are aware of an opt-out and whether they are sufficiently aware of the content of collective worship to be able to exercise this right in an informed way.

Conclusion – the way forward?

Having examined the human rights benchmarks and the extent to which they are being adhered to in the different UK jurisdictions, the final part of the chapter seeks to examine

whether, and if so how, collective workshop / religious observance might form a part of school life in a rights-compliant manner. The various options – from complete abolition of all compulsory worship, through placing it on a voluntary basis or regulating it in a manner which respects the various rights - will be examined.

Collective Worship and Theology: Issues and Questions

Julia Ipgrave (Warwick University) and Farid Panjwani (Institute of Education, UCL)

This paper explores some of the theological issues that underlie questions of Collective Worship within the UK schools. The focus is on schools that do not have a designated religious character but the questions explored may also be of interest to schools that do, particularly where the school population comprises children of diverse religious and non-religious backgrounds and positions. Four main areas are considered in turn through comparative theological perspectives: (i) the diverse religious and non-religious worldviews of the pupils; (ii) the content of collective worship; (iii) the nature of worship and (iv) the significance of collectivity.

(i) Alongside young people with predominantly secular worldviews UK schools serve others for whom their faith is 'a living breathing entity', who need space to make sense of their school experience within their faith-framed lives. The question raised is whether this is better carried out in separate groups or in collective shared contexts. (ii) Religious content is frequently adapted or reinterpreted by teachers according to their own theologies, philosophies or worldviews, and in order to fit other educational aims (pupils' moral and social development) and recognise the religious (and non-religious) plurality of school and/or society. The sacred character of the religious material, its ownership and theological integrity become issues in the face of its potential 'distortion' or trivialisation by this process. Attention is given to the theological import of teachers' attempts to make the message of collective worship universally applicable and the question asked whether teachers in these cases are promulgating a new theology and if so what its implications might be.

(iii) Much of the ambiguity and confusion about collective worship in England, Wales and Northern Ireland (Scottish schools have 'religious observance') stems from uncertainty about the definition of 'worship', a word burdened with theological meaning. Debates around the possibility or advisedness of shared worship in multi-faith contexts have relevance to school practice. Different levels of worship and engagement are noted with suggestions that some are more appropriate to school than others - a distinction between 'cultic' and 'non-cultic' worship, for example, and between collective worship as response to belief and as opportunity to worship. (iv) The term 'collective' is interrogated and distinction made between 'collective' and 'corporate'. The concept of 'co-intentionality' is introduced to suggest ways in which a diverse collective might be brought together into some commonality of intention and action without requiring unity of belief.

School Collective Worship - Beyond Obituary

Norman Richardson (Stranmillis University College) and Aideen Hunter (University of Ulster)

- The proclamation by John Hull in 1975 of "an obituary" for school worship has proved premature despite much criticism from a wide range of sources of the requirement throughout the UK for daily collective worship (or, in Scottish terminology, "religious observances"). The legislation for England and Wales that emerged from the 1988 Education Reform Act further specified that collective worship should be "wholly or mainly of a broadly Christian character", and many observers have perceived this as very divisive. Despite the close links in legislation between religious education and collective worship, many religious educators have increasingly attempted to keep a clear space between their teaching of RE and what takes place in school worship.
- As education in most of the UK has become increasingly culturally plural the concerns about the monocultural assumptions behind collective worship have become more marked. From the 1960s onwards, increased ethnic, cultural and religious diversity has impacted on approaches to education in general, and RE in particular, and has been further reinforced by equality legislation and an emphasis on human rights and inclusive citizenship. In this context many find it hard to see how there can still be a place for acts of worship which focus "wholly or mainly" on one particular religion.

- Hull's thorough educational and theological review of collective worship from his 1975 book, "School Worship: An Obituary", is noted as a major contribution to the discussion on this issue even several decades after its appearance. The history of worship in schools is outlined, followed by an examination of the nature of worship and the tensions between worship and education. Worship, according to Hull, "cannot take place concurrently" with education and so he explores possible "non-worship" alternatives that would provide "a time of sharing of ideals and visions" in a non-confessional manner.
- Following the government's controversial attempts to tighten the definitions around collective worship in 1988 and Circular 1/94 Hull and other RE thinkers re-emphasised the view that a different approach, along the lines of a "thought for the day", would be more appropriate than a confessionally defined understanding of worship. Similar conclusions and a call for "a new approach" were articulated in 1998 by a wide range of participants in a review and consultation carried out by the Religious Education Council for England and Wales. Some educational defenders of a more traditional view, however, have continued to argue for an approach that is "a simple offering of the day to God".
- Current views generally fall into three main 'camps'. Some non-religious and secular groups argue for the complete abolition of school worship, which is viewed as anachronistic. Others, including some representatives of religious groups, call for a less prescriptive approach and the adaptation of "worship" to opportunities for "spiritual reflection", possibly with a multi-faith element. Many educators with an involvement in "faith schools" have nevertheless continued to take a sympathetic view of collective worship and have suggested that there would be "an educational deficit" if it were to be removed. Yet even among those who argue for the retention of school worship there is a significant readiness to acknowledge the importance of openness and inclusivity and a willingness to emphasise general spiritual awareness rather than compulsory Christian confessionalism.
- In many ways the changes in society since the legal introduction of collective worship in the 1940s have left collective worship "in a bubble of isolation". Many religious educators have kept their distance and left it to others to seek alternatives. The requirement for Spiritual, Moral, Social and Cultural Development (SMSC) or its equivalent in the various UK regions has provided some with a constructive way forward and the possibility of retaining some opportunities within the life of a school for reflecting together.