

## ABOUT HUMANISTS UK

At Humanists UK, we want a tolerant world where rational thinking and kindness prevail. We work to support lasting change for a better society, championing ideas for the one life we have. [Our work helps people be happier and more fulfilled, and by bringing non-religious people together we help them develop their own views and an understanding of the world around them. Founded in 1896, we are trusted to promote humanism by 130,000 members and supporters and around 120 members of the All-Party Parliamentary Humanist Group. Through our ceremonies, pastoral support, education services, and campaigning work, we advance free thinking and freedom of choice so everyone can live in a fair and equal society.

We have been involved in policy development around the school and the curriculum for over 60 years. We also provide materials and advice to parents, governors, students, teachers, and academics, for example through [understandinghumanism.org.uk](http://understandinghumanism.org.uk), and our school volunteers programme.

We campaign for a secular state guaranteeing human rights, with no privilege or discrimination on grounds of religion or belief, and so we campaign against faith schools, and for an inclusive, secular schools system, where children and young people of all different backgrounds and beliefs can learn with and from each other. We challenge [state-funded faith schools'](#) admissions, employment and curriculum policies, as well as the privileged processes by which new faith schools continue to open. We are the co-founder of the Fair Admissions Campaign, and a founding member of the Accord Coalition for inclusive education. In 2018 we led a successful campaign to overturn proposals to drop the '50% cap' on religiously selective admissions in new academies and free schools. In 2022 we published the Guide for Parents on Religion in Schools in England, Wales, and Northern Ireland, to help non-religious parents navigate the complex faith school system, and to provide detail on their rights.

Since 2014 we have led the campaign for action on [illegal, or unregistered, religious schools](#) and work closely with former pupils of such settings, as well as current members of closed religious communities, to highlight their experiences and provide evidence to the authorities. Over the years, our work has secured repeated, high-profile media attention on the issue and prompted the establishment of Ofsted's unregistered schools team, as well as a council enquiry into unregistered schools in Hackney. We campaign for the introduction of the legal provisions necessary to take meaningful action against such schools. As part of this we call for robust regulation of out-of-school settings or part-time schools, many of which are known to operate covertly as full-time illegal schools.

Humanists UK is an active member of many organisations working in [education](#), including the Religious Education Council of England and Wales (REC), Sex Education Forum (SEF), the PSHE Association, and the Children's Rights Alliance for England (CRAE). We work for [Religious Education \(RE\)](#) to become an inclusive, impartial, objective, fair, balanced, and relevant subject allowing pupils to explore a variety of religions and humanism, sitting alongside other humanities subjects in the curriculum and with the same status as them. It should include the historical and social contexts of



the emergence and development of religions and humanism. We welcomed the 2018 Commission on RE (CoRE) which proposed to rename the subject 'religion and worldviews' in order to make explicit that humanism must be taught on an equal footing to religions - a call we have repeated in our submission to the Curriculum and Assessment Review call for evidence.

## OUR OVERALL POSITION ON THE BILL

Overall, we [support](#) the bill, in particular the excellent measures including a Children Not in School Register and other legislation to close loopholes that enable the continued operation of illegal faith schools such as increased powers for Ofsted to inspect premises.

However, we are deeply concerned about oversights in the Bill that, taken together, would remove the so-called '[50% cap](#)' on faith school admissions which were first implemented in 2007 to improve integration in schools, and have had positive results in [increasing ethnic integration](#).

## CHANGES TO SCHOOL ADMISSIONS (CLAUSE 51)

In general terms, the Bill gives greater powers to local authorities to make sure there are enough local school places, and places a duty on councils and schools to work together when it comes to school admissions and place planning.

**Opening the possibility of new [100% religiously selective schools](#).** Clause 51 seeks to remove the presumption that any new school should be an academy and allow proposals for other types of school to be put forward where a new school is needed, including proposals from local authorities themselves.

We are concerned about the potentially unintended negative consequence of this: which is that it will effectively end the faith school cap on new schools which has been in place since 2007 that only allows religious selection for up to 50% of their intake. It will once again be able to open new faith schools under the Voluntary Aided Model, **which can determine their own admissions and apply religious discrimination to 100% of their places and will be a huge step backwards for social cohesion**. This could potentially **contradict** the other measures in the Bill regarding the establishment of schools which are about making sure children in a locality have access to a school place.

## PROPOSED AMENDMENTS

To move the following Clause -

**"50% cap on all new faith schools admissions**

NCX



- (1) Any newly established maintained school or academy of a religious character that is selective on the basis of faith must adopt admissions criteria that provide that, if oversubscribed, at least 50% of its places available each year will be allocated without reference to faith-based admission criteria.
- (2) Subsection (1) does not apply to an Academy established by virtue of a maintained school being converted into an Academy under section 4 of the Academies Act 2010, unless it applied to the maintained school prior to conversion.
- (3) In subsection (1), the reference to "newly established" means established two months after the date on which this Act comes into force."

### Member's explanatory statement

This new clause would require all new schools with faith-based admissions (other than those which were pre-existing maintained schools that have converted to being Academies) to apply a 50% cap on faith-based admissions places when oversubscribed in line with the cap for new academies and free schools.

### Clause 59, page 115, after line 18 insert –

"(j) section X"

### Member's explanatory statement

This amendment is consequential on new clause X and would bring new clause X into force two months after this Act is passed.

If Voluntary Aided schools were to be allowed through this process, children local to this school but of the 'wrong' or no religion would find themselves locked out of a local place and forced to find a school further afield. An amendment such as the one we have proposed would protect against this.

## MEASURES TO TACKLE ILLEGAL SCHOOLS (CLAUSES 30-36)

The education provided in many illegal faith schools is narrow in its scope, predominantly scriptural in its content, and deeply intolerant in its outlook. There is evidence of widespread abuse in these settings, including [sexual abuse](#). The settings are able to operate due to loopholes in the law – both related to what is a 'school' and home education – as well as inadequate Ofsted powers to tackle them. This Bill aims to close those loopholes and this is hugely welcome.

We are pleased that the Children's Wellbeing and Schools Bill will lead to the closure of illegal schools. But we have identified some potential loopholes that could still be exploited by proprietors:



**Definition of 'full time'.** Clause 30 refers to 'full-time education' but there is no definition of what 'full-time' will actually mean and we are concerned this will lead to the establishment of part-time settings that fall just below a threshold, or to Ofsted having to prove definitively that a setting is providing a 'full-time' education.

**Part-time settings.** While Clause 36 will allow for Ofsted to inspect multiple settings they suspect to be linked (e.g. several 'part-time' settings attended by the same children and therefore the same 'full-time' setting just made to appear as 'part-time'), the Bill only focuses on full-time provision. **We would like to see legislation brought forward to tackle part-time settings, and will be asking MPs to raise this.**

### **Clauses 30 to 37: 'independent educational institutions'**

We particularly welcome clauses 30 and 36. **Clause 30** will expand the scope of registration of 'independent educational institutions'. The definition of an 'independent educational institution' will be expanded to include any place that provides **full-time** education to five or more children. How 'full-time' is being defined is not yet specified and this would go to consultation prior to the DfE issuing guidance. Nor does this legislation deal with part-time settings.

**Clause 36** will expand Ofsted's powers of inspection. 'Dwelling' has no special status in the Bill. The powers to interview (and how this is interpreted) will be strengthened. Warrants will now be issued if there is reason to suspect difficulty entering a setting (Ofsted will also have the powers to inspect a premise without a warrant). Ofsted will also have the power to inspect other premises relating to the suspected setting if there is reason to believe that evidence is being held there. **Clause 36 will come into effect before Clause 30.**

We hope that this will **capture many illegal settings that hitherto have evaded detection by the authorities**, by simply not meeting the definition of an independent school. As we have stated above, we are concerned that the proposals around only regulating any place providing 'full-time' education of pupils may run the risk of encouraging new part-time settings in order to evade the rules.

### **PROPOSED AMENDMENTS**

Clause 30, page 69, line 17, insert after "full-time education" insert:

" or part-time education"

Clause 30, page 69, line 23, leave out "full-time education for a child if the child could be expected to receive all or a majority of their education" and insert "full-time or part-time education for a child if the child could be expected to receive all, a majority or a number of hours per week no less than one-quarter of their education"

**Member's explanatory note:** This amendment expands the definition of an independent educational institution from one providing full-time education for children, to one providing full-time or part-time education, albeit no less than one-quarter.



## NATIONAL CURRICULUM REFORM (CLAUSE 41)

We campaign for a reformed Religious Education (RE) so that it becomes an impartial, objective, fair, and balanced subject, consistent with developing practice in the subject, and teaches humanism on an equal footing with the major religions. [Case law](#) already requires such equal teaching, as does primary legislation in Wales (amended to keep pace with case law), but primary law doesn't require this in England and this leads to confusion. Before the launch of the [Curriculum and Assessment Review](#) earlier in 2024, there has been no review of the curriculum since 2013 and it is falling out of date, particularly in this way.

We are particularly interested in **clause 41** of the Bill, which introduces a requirement for academies to teach the National Curriculum in the same way as other state-funded schools. This will come into effect following the Curriculum and Assessment Review and the introduction of a revised National Curriculum.

However, as Religious Education is not currently in the national curriculum, it will be missed out of this legislation as it currently stands. We have [submitted](#) to this Curriculum and Assessment Review that:

- RE should be reformed to be an objective, critical, and pluralistic National Curriculum subject of 'Religions and Worldviews' in line with modern pedagogy and human rights case law.

Many other organisations in the RE sector have made similar submissions to the review, including the [REC](#). Bringing an (ideally reformed) RE into the national curriculum, or giving the Government the power to do so after the Curriculum and Assessment Review has been completed, would be welcome.

**Another area of concern** we have is that, while clause 41 will make academies subject to the national curriculum, it won't make community or Voluntary Controlled model academies follow locally agreed syllabuses. These would presumably then still fall under their funding agreement requirement that they set their own syllabuses in line with the requirements of agreed syllabuses. This seems like an error – that academies will now be treated as with maintained schools everywhere but RE seems like a drafting error.

## PROPOSED AMENDMENTS

To move the following Clause –

### **“Powers to move Religious Education from the basic curriculum to the National Curriculum**

- (1) The Secretary of State may by order, following the conclusion of a review of the existing national curriculum and statutory assessment system in England, –



- (a) Add a new subject to the foundation subjects to teach about religions and non-religious worldviews in key stages one, two, three, and four as set out in the Education Act 2002 Sections 84-5 (3);
  - (b) Remove the provision of religious education from the basic curriculum as set out in the Education Act 2002 Part VI subsection 80;
  - (c) Remove the requirement for agreed syllabuses of religious education as set out in the Education Act 1996 Sections 375 and 392 and Schedule 31; and
  - (d) Remove the required provision for religious education as set out in the Schools Standards and Framework Act 1998 Section 69 and Schedule 19.
- (2) Religious education shall cease to be a part of the basic curriculum from the start of the academic year following an order under subsection (1).
- (3) Any existing locally agreed syllabuses under the Education Act 1996 shall cease to have effect from the commencement of the first academic year following an order under subsection (1).

**Member's explanatory note:** This amendment grants the Secretary of State for Education the power, following the conclusion of a review of the existing national curriculum and assessment system, to remove religious education from the basic curriculum and to add religious education (possibly renamed) to the National Curriculum in England.

## COLLECTIVE WORSHIP REFORM

The Bill does not address the legal requirement for all schools regardless of their religious character to hold a daily act of [collective worship](#) (Christian in the case of schools of no religious character). We, and organisations such as the [National Association of Head Teachers](#), have called for reform of collective worship to be included in the Curriculum and Assessment Review but we now understand that this will be out of scope.

Parents can withdraw their child from collective worship, but these children are often left to sit outside or in an empty classroom with no alternative activity provided. **At a minimum the law must surely provide a meaningful alternative of equal educational worth – but it doesn't do this.** We would like to see it replaced by an inclusive assembly focused on furthering the spiritual, moral, social and cultural education of *all* pupils. We would also like to see schools with a religious character provide pupils with a meaningful alternative to collective worship if they or their parents request that they be withdrawn, so as to ensure that all pupils enjoy the benefits of the full length of the school day, irrespective of belief.

## PROPOSED AMENDMENTS

To move the following Clause –

**“Moral, social and cultural education in assemblies**



- (1) Chapter VI of Part II of the School Standards and Framework Act 1998 (religious education and worship) is amended as follows.
- (2) For section 70(1) (requirements relating to collective worship) substitute—
  - “(1) Subject to section 71, each pupil in attendance at—
    - (a) a community, foundation or voluntary school in Wales,
    - (b) a foundation or voluntary school in England which is designated with a religious character, or
    - (c) an Academy in England which is designated with a religious character, must on each school day take part in an act of collective worship.”
- (3) In section 70(2), for “community, foundation or voluntary school”, substitute “school to which subsection (1) applies”.
- (4) After section 70, insert—
  - “70A Requirements relating to assemblies
  - (1) This section applies to schools in England that are—
    - (a) maintained schools without a religious character;
    - (b) non-maintained special schools;
    - (c) City Technology Colleges; and
    - (d) Academies without a religious character.
  - (2) Each pupil in attendance at a school to which this section applies must on each school day take part in an assembly which is principally directed towards furthering the moral, social and cultural education of the pupils regardless of religion or belief.
  - (3) In relation to any school to which this section applies—
    - (a) the local authority responsible for education (in the case of maintained schools) and the governing body must exercise their functions with a view to securing, and
    - (b) the head teacher must secure, that subsection (2) is complied with.”

**Member's explanatory note:** This amendment removes the requirement for daily collective worship in England for maintained schools and academies without a religious character, non-maintained special schools, and city technology colleges, and instead introduces a requirement for daily assemblies furthering moral, social and cultural education.

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