

Educating for diversity

A paper prepared for the Independent Review on Education

2nd January 2023

*A submission from
a group of educationalists and interested parents from diverse backgrounds
brought together for consultation as an initiative of the
Bahá'í community's Office of Public Affairs.*

**Further information from:
Edwin Graham, Lisieux House, 28 Derrymore Rd, Craigavon BT67 0BW
Tel 028 9265 2572 / 0777 9600 254
Email edwin.graham21@gmail.com**

1. Background

- 1.1. Last October a group of families came together and discussed some of the challenges that children from diverse backgrounds encounter in the education system. Having identified the challenge, this group decided to make a submission to the Independent Review of Education. In preparing the submission these families sought views and experiences from differing perspectives. When seeking input from schools, organisations and individuals, three educational approaches were observed, which have been presented in this paper as case studies. In addition, the views and contributions of a variety of individuals and professionals in the field of education have informed the document.
- 1.2. In the initial discussion the interim report of the Independent Review of Education was noted. In particular it was noted that

*The Panel's work represents a fundamental review of the Northern Ireland education system with a focus on quality, equity and sustainability of the system.*¹

- 1.3. These families noted that the Panel is striving to:

*“...agree a vision for what a high-quality, innovative and inclusive education system will look like in the middle of the 21st century and how partners might work together to realise that vision – ensuring that education in Northern Ireland is internationally recognised as excellent. The ToR agreed for the Review make it clear that this vision should not be constrained by the existing policies and structures of education.”*¹

- 1.4. We note, in paragraph 3.2 of the Interim Report the description of an excellent education system:

An excellent education system should bring benefits to individuals, society and the economy. It should:

¹ IRE Interim Report October 2022

- *put the needs of learners first and ensure they are fully supported by a skilled and committed education workforce in well-resourced settings. It will protect and promote their wellbeing, respecting the reasonable rights of parents to ensure that children are educated in accordance with their religious and philosophical convictions. Individuals will be treated fairly and the system will promote equity in society.*
- *promote community cohesion, respecting the culture, identity, language and values of learners, families and communities.*

1.5. These paragraphs stimulated that group to consider some of the challenges encountered by children from diverse backgrounds and to seek to identify ways in which those challenges could be addressed. As the discussions developed we sought to engage more widely with pupils and parents from other faith and belief backgrounds and also with those who are directly involved in the field of education.

2. Introduction

2.1. Northern Ireland is still a divided society and the education system that we have inherited reflects that division. If we continue to educate our children in a system that is characterised and dominated by historical political and denominational polarities then there is a risk that we continue to perpetuate those divisions. From this perspective, it seems important to reflect on the kinds of changes that might be required in education. Schools are one of the key arenas for the transmission of values and the inculcation of patterns of thought and behaviour that shape the future life of society. Without change we condemn our society, and especially our children, to many more decades of prejudice and associated periodic violence. We can choose to do something different.

2.2. There is a long history of minority faith communities having a presence in Ireland. These include Bahá'ís, Buddhists, Hindus, Jews and Muslims who

were present and practising their faith here over 100 years ago. The past 20 years have witnessed significant demographic shifts in the population with increasing numbers coming to Northern Ireland. This is a trend that continues with populations being displaced from countries such as Syria, Ukraine, Russia and many others including those forced to migrate as a consequence of the climate crisis.

- 2.3. The UK's increasingly constrained budget for public expenditure is reflected in an extremely limited budget for education in Northern Ireland. Rapid increases in the cost of energy are highlighting the need for much of the education estate (built in the 1960s and 1970s) to be refurbished. These increasing energy costs are also impacting transport provision for children. In this context it becomes necessary to examine in some localities whether there is a need for both a controlled (majority Protestant) and a maintained (majority Catholic) school. In some border areas there are schools that are geographically in close proximity but separated by the border. In such cases there is the potential for cross-border collaboration between the schools to share resources and create savings in the education budgets on both sides of the border. These are difficult decisions which, if handled sensitively, have the potential to improve the educational provision for all in the affected locality.
- 2.4. The education system in its current form is not well equipped to face these and other challenges that lie ahead. The Independent Review provides an opportunity to examine the system to see what adjustments can be implemented to enable us to build a more coherent and unified system that is better adapted for the future.

3. Religious Education - the way forward

Recently Fraser Nelson, editor of the Spectator, wrote:

“When Charles III is crowned next May, a Hindu PM will leave No 10 with his Indian wife to attend the ceremony. The Muslim Mayor of London will already be at Westminster Abbey. Security will be headed up by the Home Secretary, a Buddhist. The only white holder of a great office of state, Jeremy Hunt, will arrive with his

Chinese wife. And the Chief Rabbi will walk from Clarence House, having stayed the night as the guest of the King and Queen Consort.”²

- 3.1. In a post-Elizabethan II age we find ourselves in a diverse multi-ethnic, multi-faith, multi-cultural society. Although structures in Northern Ireland do not yet display the level of ethnic, faith and belief diversity that is now seen in the Cabinet, there is no doubt that that is the direction of travel.
- 3.2. The RE core syllabus was revised in 2007 to include, for the first time, a module on “world religions”. Research by Nelson and Yang suggested that although the inclusion of world religions in 2007 was new for many existing teachers, they received little or no support in the introduction of a broader curriculum. They suggested that in relation to the processes employed to facilitate the teaching of world religions, teachers of RE in Northern Ireland have not been well served, having been asked to introduce a policy with limited resources or training and with a rationale that is grounded in a weakly expressed aim of ‘tolerance’.
- 3.3. The data for that research was gathered from Controlled Schools and Nelson and Yang concluded:

World religions are included in the curriculum and there is buy-in from teachers who regard the teaching of world religions as important in developing tolerance among their pupils. That said, when we dig deeper, we can see that teachers place limits around the teaching of world religions at Key Stage 3 and in other Key Stages. These limits mean the level of embeddedness is inconsistent and the quality of the policy implementation is variable. The high levels of discretion exercised by the teachers is a significant factor in this regard. Indeed, the level of discretion both afforded by the curriculum and exercised by teachers independently has caused such significant diversity in outcomes that, from this small sample alone, it is possible to state that it would be very difficult to say with confidence what an education in

² Fraser Nelson:

https://twitter.com/FraserNelson/status/1586263754374754304?t=qN4pJRNkLGgF6_XMAJqM3A&s=03

*world religions might consist of in any given Controlled school following the Core Syllabus.*³

- 3.4. In another publication Nelson and Yang described findings that some teachers chose to actively promote their views of Christianity as having superiority over other religions while claiming they were promoting respect and tolerance. In short, the combination of a Christian syllabus and the absence of quality controls over the subject creates an environment where teachers may misrepresent religions and can even exert undue religious influence in the classroom.
- 3.5. Nelson and Yang conclude:
- Possible mitigations that can assist in maintaining appropriate boundaries could include a code of practice for teachers of religious education, the inspection of Religious Education by qualified inspectors, a well-balanced curriculum that is informed by a pedagogical model for inclusive religious education in plural environments, and a meaningful and contemporary legal framework for teaching about religion. Unfortunately, none of these are currently in place for these teachers in Post-Primary Controlled Schools in Northern Ireland. A wider civic and political discussion is needed that provides teachers with a robust rationale for teaching diverse world views within RE classrooms, clear pedagogical strategies, and agreed ethical principles in relation to personal sharing and professional distance.*⁴
- 3.6. Even with the introduction of a module on world religions at Key Stage 3, the syllabus provides very limited opportunities for pupils to learn about faiths and beliefs other than Christianity. The module at Key Stage 3 requires schools to

³ Nelson, J., & Yang, Y. (2021). World Religions in Religious Education in Northern Ireland: A Policy Implementation Analysis using Strategic Action Field Theory. *Religion & Education*, 1–21. <https://doi.org/10.1080/15507394.2021.2009303>)

⁴ Nelson, J., & Yang, Y. (2022). The role of teachers' religious beliefs in their classroom practice – a personal or public concern? *Journal of Beliefs & Values*, 1–18. <https://doi.org/10.1080/13617672.2022.2125672>

teach only two religions in addition to Christianity, meaning that pupils have little opportunity to learn about the breadth of faiths, beliefs and religious practices that are increasingly characteristic of our society.

- 3.7. Centuries of division and conflict have resulted in a deeply divided education system in Northern Ireland. We are convinced that it does not need to be that way. In our experience everyone who is involved in the discussions around RE is well-intentioned, seeking to do what is best for all our children. However, our divided society has created a system that makes it difficult for those in any of the various “sectors” to fully appreciate the views and aspirations of those in other parts of the system.
- 3.8. The core syllabus for RE was developed by the four main churches. The legislation provides for people “with an interest in religion” to be selected by the Department to draft the syllabus. We suggest that the drafting group should be widened to include people of other faiths and beliefs in addition to those from a wide range of Christian denominations.
- 3.9. Currently the subject of RE is not inspected in schools in the same way that other subjects are inspected. This, we suggest, needs to change. There are some schools that have developed exemplary practice in the way they deliver the Core Syllabus for RE. Inspection reports from these schools would assist in disseminating such good practice. The Education and Training Inspectorate should be empowered to inspect RE in the same way as other subjects are inspected. The inspection of RE is also important in terms of validating the subject and those who teach it.
- 3.10. When it comes to the content of the RE syllabus it is important that the plurality of faiths and beliefs in addition to Christianity are presented to pupils at all stages and in ways that are appropriate to the age group. Already many of the reading books that are used in primary schools present characters from differing ethnic backgrounds. There is the potential for reading books to be used that show characters with differing cultural backgrounds, faiths and beliefs coming together and celebrating festivals such as Eid, Diwali, Ridvan, and Pesach. Such reading books are currently not available in a local context, but they are available in other parts of the UK and it would not seem

to be difficult to commission appropriate resources, drawing on the experience of other UK regions.

- 3.11. Similarly for older ages, at Key Stages 3 and 4, there are great resources that have been developed in other parts of the UK and beyond. There are many examples of ways that creative teachers have been able to use such resources, sometimes using peer-to-peer teaching, to develop thinking skills and critical analysis.
- 3.12. We have heard many people express the difficulty of adding other religions to a “core” that is, with the exception of one module at Key Stage 3, exclusively Christian in its content. We contend that the presentation of all religions and beliefs in the RE syllabus should be done in a way that challenges prejudices, encourages pupils to ask questions, to explore and independently to form their own views. This is a core thinking skill for all departments and for all schools and will better equip pupils to prepare for life as adult citizens playing a full role in the life of society.
- 3.13. We are aware of some post-primary schools that have adapted the RE Core Syllabus and chosen to integrate it with the syllabus for Living for Life and Work (LLW). In this way they have presented the subjects in a thematic and cross curricular approach that incorporates elements of the RE Core Syllabus with elements such as Citizenship in LLW. This is a very effective way of presenting the subject that allows the curriculum to be more integrated and coherent while also creating opportunities for world religions to be explored in a meaningful manner. This model of good practice could be shared more widely in post-primary schools to support teachers to develop a thematic and cross-curricular approach to the subject of RE.
- 3.14. When the Core Syllabus was first developed in 1998 schools found themselves challenged to develop the curriculum. In some towns teachers of RE from all sectors formed “cluster groups” or networks to work together to develop and share resources and to create support mechanisms. A similar system could be encouraged again to assist teachers to think about how creatively to teach diversity.

- 3.15. Some schools have an explicit faith ethos. This is often stated on the school's website and is frequently evident in events organised by the school. Many such schools understand that part of their mission is indeed to support pupils in developing their spiritual identity. Some parents from other faith backgrounds have made an informed choice to send their children to such schools specifically because they want them to benefit from a learning environment that has a spiritual dimension.
- 3.16. Geographical and other factors can, however, dictate that some parents' choice of a school is very limited. For example, young people who arrive in Belfast seeking sanctuary are allocated a school place by the Education Authority. Asylum seekers and refugees have difficulty understanding the difference between a "controlled", "maintained" or "integrated" school. For this and other reasons there are a variety of determining factors that influence why children arrive at a school that has a particular ethos, therefore the issue of dealing with faith and belief diversity is an issue in all schools.
- 3.17. In all schools the subject of RE could be taught in a way that challenges prejudice and encourages questioning, exploring and independent investigation. Regardless of whether it is controlled, maintained or integrated the school should be welcoming to all pupils, whatever their background. More than this the school should offer to all pupils a sense of equal belonging in a school community that is caring, totally impartial and free from prejudice.

4. Opting out

- 4.1. The current legislation makes provision for parents to withdraw their children from RE and from other religious occasions in school. In 2010 the School of Law in Queens University published the findings of research that they had conducted. That research report is entitled *Opting Out of Religious Education: The Views of Young People from Minority Belief Backgrounds*.⁵
- 4.2. The research report highlighted that

⁵ *Opting Out of Religious Education: The Views of Young People from Minority Belief Backgrounds 2010. Alison Mawhinney, Ulrike Niens, Norman Richardson, Yuko Chiba*

- *Young people from minority belief backgrounds are not necessarily aware of their opt-out rights*
- *The decision to opt out was influenced by perceptions of the lessons being doctrinal, too narrowly focussed on Christianity, strained relationships with teachers or peers, academic considerations and, only in very few instances, the belief that RE should be not taught.*
- *Pupils' experience of opt-out provision varied widely between schools and within schools.*
- *Many teachers, including senior management, appear to have little awareness of the legal situation in relation to opting out... In some cases parents were provided with inaccurate information and advice.*

4.3. We have had conversations with many families - both children and parents - on the subject of opting out of RE. All have indicated that they did not want to opt out. They didn't want to be made "different" to the rest of their class and many wanted to have the opportunity to prepare for a GCSE in RE. However most felt that they had to opt out because the subject was being taught in an exclusive manner that did not allow for a diversity of faiths and beliefs to be explored.

Case studies

5. Shimna Integrated College (Newcastle)

5.1. As part of the process of preparing this paper we were keen to seek the views of pupils. We reached out to a small number of schools (maintained, controlled and integrated) and requested an opportunity to speak to a small group of students. Shimna Integrated College in Newcastle responded enthusiastically and they identified a small group of students who they felt would be able to articulate a range of ideas with "unfamiliar" interviewers.

5.2. The conversation with the pupils focussed on the subject of diversity in school. They described how Shimna College was a very diverse school. They

said that they thought it was *important for pupils to learn about diversity so that they are better prepared for life in society.*

- 5.3. The pupils said that the school valued and celebrated diversity in the school population. When asked how this ethos was apparent one boy described his peers and teachers as being *a loving and learning community.* Others agreed and described elements such as compassion, consideration, caring, listening, accepting differing views.
- 5.4. Without doubt there are other schools that have developed such an approach. Many schools publish a statement of ethos that describes elements such as these. Sometimes they are described as the school's "Christian ethos" however values such as love, compassion, consideration, trustworthiness and honesty are universal across all faiths and beliefs.
- 5.5. Good practice such as that in Shimna is not restricted to a particular "sector" - there are similar cases of exemplary practice in both maintained and controlled schools.
- 5.6. The pupils in Shimna noted that their school is located in a small town, about an hour from Belfast and was relatively remote. They said there were about 20 different nationalities represented in the school population but felt that they did not have the levels of diversity that would be experienced in many other schools. They made a distinction between the physical diversity present in the school population and the culture of diversity that is nurtured by staff and demonstrated by their peers. They felt that there are increasing numbers of schools that are being described as "super-mixed", where more than 50% of the school population is from families where one or more parents were not born in Northern Ireland. Indeed, in some schools this figure increases to 80 or 90%. Shimna pupils made the point that the proportion of pupils from non-indigenous families does not directly correlate with how well a school deals with the issue of diversity. While a diverse school population will challenge and stimulate the school staff to develop appropriate policies and strategies to support the pupils it is not a prerequisite. Good schools will support pupils to develop attitudes and behavioural patterns that celebrate diversity, regardless of the evident diversity in the population.

6. St Fanchea's Secondary School (Enniskillen)

- 6.1. A retired Head of RE in St Fanchea's school in Enniskillen has described how she sacrificed (though she insists it wasn't a sacrifice) her break-time every day to spend time in the school oratory saying prayers with pupils who wanted to join her. Sometimes it was a small number that joined but there were some occasions following traumatic events in the life of the community when these gatherings gained special significance for pupils and staff to come together and reflect. She described that these break-time encounters created strong community bonds and promoted confidence in each individual's expression of belief and search for meaning.
- 6.2. In a multifaith context, schools could have a time of reflection that is open to pupils and staff of all faiths and beliefs. At such times pupils could be encouraged to share texts, prayers or reflections from a range of different traditions, expressed in a way that focuses on the inclusive and collaborative aspirations that are present in all faiths and beliefs.

7. Junior Youth Spiritual Empowerment Programme; *The Hub*, Belfast

- 7.1. In an educational facility aimed at assisting young people within a neighbourhood setting to contribute to the betterment of their local communities as a means to empower the community as well as the young people themselves, a programme is being used with a cohort of approximately 70 youth aged 11-15 (Key Stage 3) living in South Belfast. Among these youths, many have recently arrived in Northern Ireland and others are indigenous to the local community. The religious heritage of their families includes Islam, Hinduism, Bahá'í and Christian from multiple traditions.
- 7.2. The programme being delivered (the Junior Youth Spiritual Empowerment Programme), developed by the worldwide Bahá'í community, includes the study of a series of workbooks to enhance the powers of expression and assist young people to discuss important ideas and form a strong moral

identity. In group sessions they learn to pursue their intellectual and spiritual growth, acquiring skills to contribute to the advancement of society.

- 7.3. A group of nine students recently studied the 13th workbook in the series, entitled *The Power of the Holy Spirit* which is an exploration of the Revelation of God through the teachings of the founders of six of the world religions. The young people involved in the study attend Methodist College, Grosvenor Grammar School and Belfast Boys' Model School. When offered the opportunity to explore the divine truths and spiritual principles of a broader range of religious traditions, they demonstrated a heightened receptivity to engage with religious discourse. Rather than inculcating a mode of religious instruction with the risk of imposing dogma, whether intentionally or unintentionally, these sessions with this group were aimed at fostering a love for knowledge, an open attitude towards learning and a constant desire to investigate reality.⁶
- 7.4. When given an opportunity to reflect on their learning and experience, after the study of this text, several of the participants described how it affected their love for learning in a way that motivated them to encourage younger generations to advance their literacy skills. They hosted a 'community day' entitled *Pens for Progress*, giving speeches about their own learning and teaching lessons to children.

8. Concluding comments

- 8.1. Many pupils who study RE within the current curriculum often struggle for motivation. In this light, one important question that arises for those involved with developing curricula is: What engenders a desire to learn? Why are so few students motivated to learn about religion? There are likely to be many contributing factors when it comes to seeking answers to these questions. However, enhancing understanding itself may be one of the greatest sources of motivation. In this sense, broadening the scope of religious education to include more content from a range of belief systems may help to stimulate an even greater desire to engage with religious content in any future curricula.

⁶ Ruhi Institute *The Power of the Holy Spirit*

9. Recommendations

Actions that could be implemented immediately

- 9.1. There should be a comprehensive review of the existing arrangements to support the teachers of RE across all sectors and a modification of these arrangements, where needed, to ensure that there is the encouragement of positive professional awareness of the subject area, ensuring the continuation of advisory and guidance support, on a cross-sectoral basis where possible, especially in relation to issues of diversity, inclusion and intercultural awareness.
- 9.2. Resources should be developed to assist teachers in primary schools to introduce an understanding of faith diversity, for example, reading books that include examples of children from differing faith and belief backgrounds coming together.
- 9.3. Resources should be developed for post-primary schools to assist teachers to introduce the subject of faith and belief diversity in a way that encourages pupils to question, to explore other faiths and beliefs and to challenge prejudices.
- 9.4. Non-statutory guidance materials should be developed to assist teachers to present RE alongside other connected subjects such as Citizenship, drawing on the experience of teachers who have successfully implemented such an approach.
- 9.5. Action should be taken by the Department to ensure that Departmental appointees to the governing bodies of educational institutions should better reflect the increased diversity in the school population.
- 9.6. The programme for the initial education of new teachers should be modified to include preparing them for an inclusive way to teach RE
- 9.7. Teachers of RE should be encouraged to form support groups so that they can share resources and good practice similar to local NATRE groups in England.

Actions that require a change to existing arrangements or legislation

- 9.8. The Core Syllabus for RE should be revised to include other faiths and beliefs.
- 9.9. The membership of the drafting group for the RE Syllabus should be widened to include representation from non-Christian faith and belief communities as well as broader representation of Christian denominations.
- 9.10. The legal requirement for an “act of collective worship” should be revised to recognise that many schools do not have the facilities to accommodate a collective gathering of this nature. Also the requirement for schools to organise “worship” should be removed from the legislation. Schools should instead be asked to organise a time of reflection which should be inclusive.
- 9.11. Arrangements should be put in place to require the Education and Training Inspectorate to include the inspection of RE in all schools.

Acknowledgements

We are grateful to the many people who assisted in the development of this paper. In particular we would like to acknowledge the contribution of the following:

Dr James Nelson, Senior Lecturer, School of Social Sciences, Education and Social Work, Queens University of Belfast

Dr Norman Richardson, Honorary Fellow. Former Senior Lecturer (1997-2014) in Teacher Education (Religious Studies), Stranmillis College

Ms Rosemary Nolan, Retired Head of Religious Studies, St Fanchea's School, Enniskillen

Mr Steve Pagan, Principal, Shimna Integrated College

Ms Roseanna Gilmore, Head of Religious and Integrated Studies, Shimna College

Ms Katie Wood, volunteer youth facilitator, Windsor Hub, Belfast

Ms Sasha Duffy, volunteer youth facilitator, Windsor Hub, Belfast

Mr Aron Foley, Windsor Hub, Belfast

Dr Keith Munro, retired GP and Forensic Medical Officer, Derry

Dr Les Gornall, AD.Ingenuity LLP, Magherafelt

Ms Sarah Munro, teacher, Derry

Ms Patricia Irvine, former Chair, United Nations Association, Belfast

Bahá'í Office of Public Affairs

Appendix

RELIGIOUS EDUCATION IN NORTHERN IRELAND – HIGH COURT JUDGEMENT: JULY 2022

Background: RE in Northern Ireland

The legislation to establish RE (originally ‘Religious Instruction’) and Collective Worship in Northern Ireland dates back to the 1947 Education Act, which mirrors the 1944 England and Wales Act in many ways...

One significant difference in Northern Ireland is that the 1947 RE clause states that in ‘county schools’ (now officially known as ‘controlled schools’, which are in effect state-managed schools, traditionally serving the perceived Protestant community) it was to be “based on the Holy Scriptures according to some authoritative version or versions thereof, but excluding instruction as to any tenet which is distinctive of any particular denomination”. This non-denominational approach has been interpreted generally, and very specifically by the Churches in the past, as meaning that RE may only be Christian in nature. The Northern Ireland Core-Syllabus for RE, originally developed in the early 1990s and revised in 2007, has been prepared by a group exclusively representative of the four numerically largest Christian denominations⁷, despite pleas from other groups for representation. The Syllabus is formally approved by the Department of Education rather than the Council for Curriculum, Examinations and Assessment (CCEA) which is responsible for all other parts of the Northern Ireland Curriculum. Despite the inclusion at KS3 only of a world religions element in the 2007 revision, the fundamental content and tone of the Core Syllabus has, to use the words of the Churches, an “essential Christian character”.

The other principal difference is that RE is not inspected by the NI Education and Training Inspectorate (ETI). In the 1947 legislation this right was granted to the Churches, including the right of denominationally distinctive inspection by withdrawal of pupils. In practice this now seldom takes place in controlled schools where many Protestant clergy are wary of intruding into another profession. If a Board of Governors requests it, a school may ask the ETI to inspect RE, but very few do so. In effect, the professional inspection of RE is almost non-existent... Those teachers with a strong Christian commitment often treat RE as an extension of Assembly (or mistakenly use Assembly as an assumed alternative to teaching classroom RE). More inclusive resources and approaches are, sadly, not well-known. Many other teachers avoid teaching RE by means of class-swapping, especially in primary schools when teachers of younger children become available to take older classes during the final hour of the day.

This provides something of the context for the recent successful legal challenge, as summarized below. For a fuller treatment of these background issues see:

- Richardson, N. (2014) ‘Religious Education at schools in Northern Ireland’. In Rothgangel, M., Jackson, R. & Jäggle, M. (eds), *Religious Education at Schools in Europe: Part 2 – Western Europe*, Vienna: V & R Unipress
- Richardson, N. (2014) *Sharing Religious Education: A brief introduction to the possibility of an inclusive approach to Religious Education in Northern Ireland*, Birmingham: RE Today Services
- The EFTRE website: <https://eftre.net/re-in-northern-ireland/> (2021).

⁷ The Catholic Church in Ireland; the Presbyterian Church in Ireland; the Church of Ireland (Anglican); and the Methodist Church in Ireland.

The 2022 High Court Judgement

A father and daughter sought judicial review of teaching arrangements for RE and collective worship in controlled primary schools due to family concerns about the daughter being taught a Christian worldview in RE. Proceedings were brought against the school and the Department of Education seeking the delivery of education (including RE) that is appropriately objective, critical and pluralistic, having regard to the age of their daughter.

The subject of the judicial review was legislation providing the legal framework for RE in controlled and grant-aided schools and giving legal effect to the core syllabus for RE. The family said certain parts of these laws were incompatible with their human rights, in particular Article 2 (right to education), Article 8 (right to respect for private and family life), Article 9 (right to freedom of thought, conscience and religion) and Article 14 (prohibiting discrimination) of the European Convention on Human Rights (ECHR).

The High Court decided that the relevant laws breached the rights of the father and daughter under Article 2 of the First Protocol to the ECHR, when read with Article 9 of the ECHR, and were unlawful. It found that the teaching of the core syllabus at primary level promotes Christianity and encourages its practice. The syllabus, which was drafted by the four main Christian Churches in Northern Ireland, does not refer to any other faiths until Key Stage 3 (secondary school).

The Court concluded RE in controlled, grant-aided primary schools is not conveyed in an objective, critical and pluralist manner, and does not give equal weighting to a variety of faiths and beliefs. The Court also came to the same conclusion for the delivery of collective worship as this involves reading Bible based stories and learning Bible-based songs.

Because of this finding, the Court declined to make further rulings on this case – including under Article 14. This means the court made no decision on whether the current forms of RE and CW are discriminatory. Furthermore, the court held that the daughter had not been denied the right to an education. The Court did not quash the legislation or declare the legislation incompatible with the relevant ECHR rights, as was requested by the family. Instead it said the core curriculum and associated laws need to be reconsidered for the teaching of RE and collective worship and should be ECHR compliant.

The Court noted the Department of Education is currently undertaking a review of the curriculum, as part of the comprehensive Independent Review of Education, established in September 2021. (An Interim Report was published in October 2022, though there is no reference to the High Court judgement.)

A Summary of the Review is available at: [Summary of Judgment - Court delivers decision on the challenge to teaching arrangements for religious education.pdf \(judiciaryni.uk\)](https://www.judiciaryni.uk/wp-content/uploads/2022/11/Summary-of-Judgment-Court-delivers-decision-on-the-challenge-to-teaching-arrangements-for-religious-education.pdf).

It has now become clear that the Department of Education for Northern Ireland has set out to make a formal challenge to this judgement, though fuller details are not yet available.

Norman Richardson

November 2022