



The difficulties of providing an additional syllabus in Church schools

Executive Summary

The RE curriculum in Church schools is objective, critical and pluralistic, and includes learning about a range of religions and worldviews. However, the basis on which the curriculum is constructed is completely different to most agreed syllabi, for a number of reasons.

- there are at least three broad bases for an objective, critical and pluralistic RE curriculum:
 - a “world religions paradigm” which gives similar time to a number of discrete religions and worldviews, common in many agreed syllabi;
 - a “worldview” approach from multiple perspectives, as advocated by the Commission on RE; and
 - deep fluency in one tradition, opening up a dialogical approach to other religious and non-religious traditions, which is the approach in Catholic RE;
- the starting point for curriculum building in an agreed syllabus is the 1996 Act and local demography, whereas for Church schools it will be the Church’s teaching documents;
- methodological approaches differ – e.g. RE in a Catholic school is primarily school-level theology, rather than primarily phenomenological, for example;
- an essential part of Catholic RE is the way in which it relates to the whole school including the rest of the curriculum.

Forcing voluntary aided schools to design and teach two separate, parallel, RE syllabi will have very significant practical and financial difficulties for voluntary aided schools and education budgets.

Introduction

It has been suggested that requiring Catholic schools to have a curriculum that is in accordance with the agreed syllabus, as well as a Catholic RE curriculum should be relatively unproblematic. There seems to be a presumption that all it would require is the addition of those features of the agreed syllabus that were not already part of the Catholic curriculum. This is a naïve presumption and shows a lack of understanding of the difference between Catholic RE curricula and the agreed syllabus equivalents. The dual system of community and voluntary schools was designed to respect and protect this distinction, which is under threat by the Bill. This paper explains the four broad ways in which Catholic RE differs in its approach from the agreed syllabus and outlines the practical impact and costs which only Church schools would bear.

1. Three different approaches to objective, critical and pluralistic RE

Catholic school RE curricula already meet the legally required “objective, critical and pluralistic” standard. However, an assumption that this means it would thereby necessarily share a basic core with other non-denominational curricula is erroneous. It would be a failure to recognise that there are several different ways a curriculum could meet these requirements.

For example, a curriculum could be objective, critical and pluralistic by implementing what many scholars call the “world religions paradigm” (WRP). This would be to treat a wide range of religions and worldviews discretely, giving each an equal share of the curriculum time. It also tends to treat all religions as bounded entities that are definable and monolithic. This has often been the way that agreed syllabus conference curricula have been shaped. Many people seem to assume that this is what is meant by an objective, critical and pluralistic curriculum. However, this approach is increasingly out of favour with the leading academics in Religious Education, who argue it reifies institutional views of

religion, ignores complexity and uncritically absorbs colonial definitions of religions, viewing them all through a Christian lens¹.

A second approach could be that adopted by the Commission on Religious Education's report² in its new vision for Religious Education which argues for a reconfiguration of curriculum content around central existential worldview approaches to common human questions from multiple perspectives. This does not necessarily require the study of discrete religions but recognises the complexity of religious commitment and the interplay between religion, politics and identity. It approaches the religious questions critically and pluralistically because it opens them up to commentary from multiple perspectives without presuming in advance that the identity of religious believers is fixed, including personal as well as institutional worldviews. Such a curriculum³ would look very different to one framed by the WRP, but would still pass the objective, critical and pluralistic test.

Finally, there is the kind of curriculum that would predominate in a Catholic school that concentrates on understanding the nature of religion through becoming fluent in one tradition first (in our case Catholicism) to open up a dialogical space with other religious and non-religious traditions from a well-informed and religiously literate starting point. A dialogical approach is only fruitful if at least one tradition is understood very well. It becomes objective, critical and pluralistic when those from within that tradition engage in critical dialogue from those of other traditions and can critically reflect on their own worldviews and presumptions. This is most assuredly an objective, critical and pluralistic curriculum but the range of other religions and worldviews studied is smaller than would be typical of an WRP curriculum, since the time given to each is much more extensive, and a school would in effect 'major' in its own tradition with a significant and large portion of the curriculum being given to the study of a limited number of other religions and worldviews in greater depth than would be true in most WRP curricula. (The overall time spent studying other religions and traditions in Catholic schools is no less – and often greater – than in other schools because of the much greater curriculum time devoted to RE.)

2. Different starting points for curriculum building

The second reason that a Catholic curriculum might look very different from an agreed syllabus curriculum, notwithstanding that both are objective, critical and pluralistic, is that their starting points are entirely different. An agreed syllabus curriculum would usually begin with the 1996 legislation and ensure that the curriculums reflect the demography of the UK or local regions and would largely enshrine a WRP approach to the inclusion of different religious traditions. A Catholic curriculum begins with the Bishops' *Religious Education Curriculum Directory*⁴. For Catholic curriculum builders this would be their normative starting point and they would see no need to consult any other authoritative source since by both statute⁵ and canon⁶, the responsibility for determining the content of Religious Education in Catholic schools sits with the relevant religious authority, which for Catholics is the Catholic Bishops' Conference.

3. Alternative methodological approaches to the discipline of RE

The third reason that a Catholic curriculum might differ in essence from an agreed syllabus curriculum, has to do with different methodological approaches. Put simply, Catholic RE is, in accordance with

¹ For a very accessible critique of the WRP, see this podcast page:

<https://www.religiousstudiesproject.com/podcast/podcast-james-cox-on-the-world-religions-paradigm/> and <https://www.religiousstudiesproject.com/podcast/decolonizing-the-study-of-religion/>.

² Commission on Religious Education (CoRE), Final Report, 2018 <http://www.commissiononre.org.uk>.

³ See the "big Ideas" approach to RE promoted by Barbara Wintersgill, which was very influential on the Commission (https://socialsciences.exeter.ac.uk/media/universityofexeter/collegeofsocialsciencesandinternationalstudies/education/research/groupsandnetworks/reandspiritualitynetwork/Big_Ideas_for_RE_E-Book.pdf)

⁴ CBCEW, *Religious Education Curriculum Directory (3-19) for Catholic Schools and Colleges in England and Wales* (London: The Department of Education and Formation of the Catholic Bishops Conference of England and Wales, 2012).

⁵ School Standards and Frameworks Act 1998, schedule 19, paragraph 4.

⁶ The Code of Canon Law, canon 806.

Trust Deed requirements, essentially school-level theology, with other disciplinary approaches playing an important, but secondary role. Typically, an agreed syllabus curriculum would also use a range of disciplinary approaches, but theology is unlikely to be the central discipline – sociology or phenomenology, for example are likely to play a much more central role.⁷

4. The relationship of RE to the whole curriculum

The fourth reason that a Catholic curriculum might be fundamentally different is the central place of Catholic RE in the school's curriculum and mission. In Catholic schools, RE is the 'core of the core curriculum'⁸ and has a relationship with every other curriculum subject, as well as a bearing on the values and ethics of the whole school.

The practical impact on Church schools

Being forced to design two separate syllabi has a number of serious practical and resource implications for voluntary aided Schools.

- Professional Development for staff needs to be duplicated, as will the time required for curriculum development.
- Additional advisers will need to be found to support the agreed syllabus development alongside the existing diocesan RE advisers who support the denominational RE.
- In a school where pupils request the alternative syllabus, additional staff will be required to teach it in parallel with the existing RE. Since RE is at least 10% of curriculum time in Catholic schools, this will mean a staffing budget of approximately 110% its current size.
- The need for curriculum resources will double
- Additional accommodation will also be required even where the agreed syllabus is compatible with the school's Trust Deed, and it can be taught on site.
- Where the agreed syllabus is not compatible with the school's Trust Deed, it will need to be taught in a different location, either by making arrangements with a nearby school or hiring additional accommodation. These solutions will both require the arrangement and expense of transporting pupils and supervising them, and disruption to the school day.
- If large numbers of parents requested alternative provision, this could undermine the purposes of the Trust Deed and call into question the viability of the school.

All these additional costs and disruption would only fall on voluntary aided schools, and would have severe effects on education budgets.

Conclusion

In summary, it should be clear that there is no such thing as a single shared understanding of what an objective, critical and pluralistic curriculum looks like. Furthermore, a Church school does not start in the same place as an agreed syllabus conference. Church schools cannot be expected to begin with an agreed syllabus and modify it for their context. As a result, it is possible, and indeed likely, that the agreed syllabus and the syllabus used in a Church school will be very different in practice even if both meet the objective, critical and pluralistic requirement. Therefore, any requirement to produce an additional curriculum on top of a Church school RE curriculum would be an onerous and unreasonable additional burden on Church schools. Furthermore, as it is only Church schools that would be required to take on such an additional burden it is also contrary to the demand of natural justice, and possibly discriminatory.

⁷ See e.g. the CoRE's draft '*National Entitlement*' (Interim Report, 2017) where theology is listed as the last of five disciplines.

⁸ Pope St John Paul II, Address to the bishops of Great Britain, 1992.

Why 'have regard to' would be a significant improvement

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- Voluntary aided (VA) schools alone are being required to teach in accordance with the agreed syllabus. It is possible, if not likely, that this may be incompatible with the school's foundation document, its **Trust Deed**¹. This risks putting school leaders in a position where it is impossible to comply with the law, or require schools to find alternative premises in which to teach agreed syllabus RE.
- Adding an additional Committee to Agreed Syllabus Conferences consisting of campaigning groups who oppose the existence of Church schools makes this scenario more likely as well as increasing the difficulty of arriving at an agreed syllabus at all.
- Changing the requirement from '*in accordance with*' to '*have regard to*' (in line with the requirements for every other type of school) will ensure that any possibility of a conflict with the school's Trust Deed will be eliminated.

The impact of a conflict between the agreed syllabus and a school's Trust Deed

The Bill currently proposes (uniquely for VA schools) to require an alternative curriculum to be *in accordance with* the agreed syllabus. The effect of this is that, if any agreed syllabus is incompatible, in any detail, with the Trust Deed of the school, it places school leaders in the impossible position of choosing whether to break the law by not complying with the agreed syllabus, or to break the law by not complying with the school's Trust Deed. In addition, if it chose the former, the school would have to find alternative premises on which to deliver the alternative curriculum, as it could not take place on school premises. No responsible legislature would put school leaders in such an impossible position.

Is it foreseeable that there will be such a conflict? Because of the number of different agreed syllabi, and the different wording to be found in individual school Trust Deeds, it is impossible to give a general answer to this question at the present time but, given what has been said above, it is at least foreseeable, if not likely, that there will be incompatibility between those two legal requirements. This possibility is made almost certain by the proposals in the Bill to make fundamental changes to the composition of the bodies responsible for the agreed syllabi.

The new composition of SACREs and ASCs

An agreed syllabus is adopted by an Agreed Syllabus Conference, made up of three Committees, all of which must agree any new agreed syllabus. The Committees represent: (a) religions and denominations representative of the area, (b) teachers, (c) the local authority. The Bill proposes an additional Committee which is likely to be made up of representatives of two campaigning organisations (NSS & HUK) both of which oppose both the existence of Church schools and the right to teach denominational RE. Once the agreed syllabus is reviewed under these new provisions, those organisations will have an effective veto over any agreed syllabus that does not suit their political objectives, leading to the potential of Welsh Ministers having to appoint a body to adjudicate on the agreed syllabus in local authorities. The same is true, to a lesser extent, with SACREs, where a new 'Group' will be formed with the same composition.

¹ For an explanation of the Trust Deed and its centrality to the existence of voluntary schools, see Appendix.

“In accordance with” and “with regard to”

The legal requirement to *‘have regard to’* the agreed syllabus means to follow it unless there is a good reason not to. One thing that would be helpful would be to amend the Bill to require an alternative curriculum to *‘have regard to’* the agreed syllabus rather than to be *in accordance with* it, as is the case for all other types of school. If this change were made, then it would respect the integrity of the Church school starting point and would invert the misunderstanding that there is a common core to which Church schools add denominational tassels. A legal requirement not to follow the agreed syllabus deriving from the school’s Trust Deed would constitute a good reason, thus meaning that the possibility of a conflict between a school’s Trust Deed and the agreed syllabus would be entirely eliminated. Such a change would also allow us to demonstrate the ways in which the Catholic RE curriculum already meets the objectives of the agreed syllabus and to modify it where it does not. This would allow a genuine pluralism to flourish in Wales, since it would recognise the distinctiveness of the different contexts in which Religious Education happens and does not presume to impose approaches that would be alien to the religious traditions of particular Welsh schools and communities.

Appendix: The importance of Trust Deeds of Church schools

Which schools have Trust Deeds?

There are two types of maintained school in Wales. 85% of schools are provided by the State and 15% of schools are provided by charities. The latter are called **voluntary schools**. These voluntary schools exist where a charitable foundation provides land and buildings to set up and run a school. In Wales all voluntary schools are **Church schools** with two-thirds of them provided by the Church in Wales and one-third provided by the Catholic Church. Unlike State-provided schools, voluntary schools have a foundational document known as its **Trust Deed** which sets out the legal parameters within which the school is to be conducted. They also have **Trustees** who own the land and buildings in accordance with the Trust Deed.

What is a Trust Deed?

The term 'Trust Deed' in connection with Church schools is defined in law.¹ The Trust Deed is the constitution of the charity that owns the school and allows it to be used for State education. It sets out the charitable objects for which the charity exists, and the limits of what the charity's property may or may not be used for. Under education and charity law, both the school's Trustees and its Governing Body must comply with the provisions of the Trust Deed. The Trust Deed is the foundation document that sets out the religious character of the education to be provided by the school. Trustees, in particular, have a legal duty not to allow their property to be used in a way which is contrary to the Trust Deed. In addition, many school sites were donated by benefactors for the purpose of a Church School. If the Trustees fail to ensure compliance with the Trust Deed, the **Reverter of Sites Acts** provided for ownership of the land and buildings to pass back to the heirs of the benefactor.

How do Catholic and Church in Wales Trust Deeds differ?

Each Church in Wales school had its own Trust Deed which sets out the details of the foundation of the school, the basis on which the buildings and land were originally granted and names the Trustees of the school. In most cases the Trustees are the local incumbent and churchwardens but sometimes it is the Diocese. The Trust Deed will contain the requirements for the education to conform to the tenets of the Church in Wales, and there is usually a clause specifying use by the local church on particular days or occasions.

In Catholic schools the charity which provides the school is the Diocese. Therefore the Trust Deed of each of its schools is the Diocesan Trust Deed, and its Trustees are the Diocesan Trustees. These Trust Deeds also provide for the education in Catholic schools to be in accordance with the principles, regulations and discipline of the Catholic Church.

Why is it problematic to suggest the abolition of Trust Deeds?

The suggestion to abolish Trust Deeds for both Catholic and Church in Wales schools misunderstands the centrality of the Trust Deed to the very existence of Church schools. Not only would it remove the legal framework which protects the religious ethos of the schools, it would amount to the abolition of the charities that provide the schools. The Trustees would no longer be able to continue providing schools, and would have to decide how to use the property for other charitable work, (unless the site reverted to the family of the original donor). In a Catholic context abolishing diocesan Trust Deeds would amount to the abolition of the charity supporting each diocese and its parishes, thereby threatening the existence of all Catholic Churches and Cathedrals in Wales. This is not within the legislative competence of the Senedd, and would be strongly resisted by the Catholic community.