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Friday, 13 May 2022

Notice of Reports Received following Publication of Agenda.

Agreed Syllabus Conference ASC

Monday, 23rd May, 2022 at 2.00 pm,
County Hall, Usk - Remote Attendance

Attached are reports that the committee will consider as part of the original agenda but were submitted to democratic services following publication of the agenda.

Item No	Item	Pages
4.	To consider consultation responses and agree the content of the Agreed Syllabus with a recommendation to full Council to approve.	1 - 2

Paul Matthews
Chief Executive

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- where 'religion' or 'religious' is referred to in the guidance it should be noted that this refers to Christianity and the other principal religions in Wales;
- the definition of Christianity and religion remains unchanged

As for **non-religious philosophical convictions**:

- where the term 'non-religious' is used, this refers to 'non-religious philosophical convictions';
- the reference to philosophical convictions in the guidance is linked to philosophical convictions within the meaning of Article 2 of the First Protocol to the European Convention on Human Rights ("ECHR") (right to education);
- neither the 1996 Act, the 2021 Act or the ECHR define what 'non-religious' means, however the term can be defined in relation to philosophical convictions as those in respect of which there is no requirement to believe in a religion e.g. a belief in man-made climate change can be held by persons of all faiths and none;
- non-religious philosophical convictions are not synonymous with 'opinions' and 'ideas' but denote views that attain a certain level of cogency, seriousness, cohesion and importance (*Valsamis v Greece* [1996] 12 WLUK 394; ECtHR);
- here is a non-exhaustive list of examples where courts have decided that a belief is a philosophical conviction within the meaning of the ECHR:

4

L

L.Jones (WASACRE)

Does it? Always? 'Non-religious philosophical convictions' is the term WG has chosen to include in the Act. However, the definition they offer in the guidance is not helpful and is misleading for schools. In my professional opinion non-religious refers also to non-religious beliefs like humanism that cannot be held by religious people and should not be explored from a religions perspective, but rather in their own right. I would urge caution about including this section as it currently stands.

Edwards, Geraint

I don't see any problem with this bullet point as currently worded. It simply acknowledges that where the term "non-relig" is used in the syllabus it is shorthand for non-religious philosophical convictions.

L

L.Jones (WASACRE)

Yes but provision in the curriculum should also be made for the exploration of non-religious beliefs that can only be held by those who do not believe in God or an ultimate reality

Edwards, Geraint

The highlighted area can be deleted from the final version if ASC is minded. It is only an example of a NRPC.

- o atheism, agnosticism, scepticism (*R (Williamson) v Secretary of State for Education and Employment* [2005] AC 246; England and Wales Court of Appeal)
- o pacifism (*Arrowsmith v United Kingdom* [1978] 10 WLUK 81; European Commission of Human Rights)
- o conscientious objection to military service (*Bayatyan v Armenia* [2011] 7 WLUK 214; European Court of Human Rights)
- o veganism (*CW v United Kingdom* [1993] 1 WLUK 536; European Commission of Human Rights)
- o man-made climate change (*Grainger plc v Nicholson* [2010] 2 All ER 253; UK Employment Appeal Tribunal)
- o gender-critical belief (*Forstater v CGD Europe* [2021] 6 WLUK 104; UK Employment Appeal Tribunal)
- o pro-life belief (*Van Schijndel v The Netherlands* (30936/96); European Commission of Human Rights)

- guidance from the Equality and Human Rights Commission confirms that humanism is a non-religious philosophical conviction (para 2.57, EHRC Employment Statutory Code of Practice 2011).

More information can be found in the legal summary section on Hwb:

[Link to Curriculum of Wales: Summary of Legislation – Religion, Values and Ethics](#)

L

LJones (WASACRE)

I'm not sure how helpful this list is and personally/professionally I wouldn't include it in an agreed syllabus. Some of these are included in the legal summary anyway, which you have referenced and linked below. As examples these are confusing and the list excludes organized non-religious beliefs/worldviews such as Humanism, which is one that schools and practitioners would be able to get to grips with and understand.

Edwards, Geraint

I would keep this in; again it's up to the ASC to decide. ASC in previous meetings had specifically asked for there to be an explanation in the syllabus as what NRPC means. The highlighted text provides a non-exhaustive list of examples of NRPC. It merely reiterates the WG Guidance on NRPC. Don't see what the confusion is.

EG

Edwards, Geraint

I have added this into the AS draft in light of consultation comments, so as to clear any doubt about the status of humanism as a NRPC. It was not included in the list above because that list is of reported court cases; I could not find an example of a reported case where humanism was held to be a NRPC.