

2018.10.09

17 Deputy M. Tadier of the Minister for Education regarding acts of worship in schools: [OQ.147/2018]

Will the Minister explain what policy underpins Article 19 of the Education (Jersey) Law 1999 in determining what constitutes an act of worship for the purposes of the law? Will she advise what enforcement of this Article is carried out, if any?

Senator T.A. Vallois (The Minister for Education):

The department provides head teachers with guidance on collective worship reflections for Jersey schools. This guidance supports head teachers in meeting their requirements under Article 19 of the law. This includes an understanding of what worship is, worship and the law, what worship is deemed to be broadly, but not exclusively, Christian, defining the difference between an assembly and an act of worship and the differences between collective worship in schools and a corporate worship of a faith community. This law is expected to be adhered to in all States of Jersey schools in the same way that the Jersey curriculum is expected to be delivered. Schools are required, on request by school advisers from the department, to produce a rota of act of worships that have taken place, any themes explored or visiting speakers that have led collective worship. School advisers and external reviewers will observe and make notes when they occur.

3.17.1 Deputy M. Tadier:

May I ask the Minister whether she agrees with the sentiment in Article 19, which says that a pupil at a compulsory school of that age in provided education shall attend an act of worship at least once a week? Furthermore, does she believe that there should be a separation between church and state?

Senator T.A. Vallois:

Purely on the particular legislation, there is a right for the child to withdraw from that act of worship by the parents, who are able to withdraw them from that. That is under Article 20. I do have to admit personally, in my personal view, I am uncomfortable with this being set in primary legislation and whether I believe in a separation of church and state, I have always agreed with the separation of powers. I stated that 8 years ago when I wrote to the Lord Carswell review and I have not changed my mind since.

3.17.2 Deputy L.M.C. Doublet:

Given that the make-up of the younger age groups is more non-religious than religious in Jersey - data from the 2015 Social Survey - and that many of the religious families would send their children to religious Catholic private schools, does the Minister agree with me that the make-up of families that are sending their children to state schools, the majority are likely to be non-religious? I understand the Minister is reviewing education law as a whole, that is part of her plan, but as a stopgap before she comes to review this law, would she consider making the act of worship an opt-in rather than opt-out, as it is at the moment, to reflect the make-up of the population?

Senator T.A. Vallois:

In order to make it an opt-in, I would have to amend the legislation as it currently stands, and rather than just picking at different parts of the legislation, I want to ensure that when reviewing the legislation, of course I am taking into account the U.N.C.R.C. (United Nations Convention on the Rights of the Child), the rights respecting schools from U.N.I.C.E.F. and also how this would act with regards to children's rights, particularly in regard to Article 14.

3.17.3 Deputy L.M.C. Doublet:

While keeping the law that the schools have to provide the act of worship, it seems to me that the school could still be providing the act of worship, but the students would be opting-in to it rather than opting-out. I do not think that would necessarily require a change of the law. Would the Minister agree to perhaps explore that option?

Senator T.A. Vallois:

I am happy to explore the option, but it does require an amendment to the legislation. Article 20 in the legislation specifically states: "The right of a parent to withdraw a pupil from religious education and acts of worship." If I was to change it the other way around - I would of course need to get legal advice- but because it is worded in such a clear way, I would suggest that I would need to change the legislation in order to achieve what the Deputy is asking me to do.

3.17.4 Deputy R. Labey:

Would the Minister agree that schools should be moving towards being secular rather than spiritual?

Senator T.A. Vallois:

I understand the debate around the particular inclusion of this in the law in the U.K. has caused some controversy. I do not like to put my own personal views on a piece of legislation or a requirement for all, so if I had a particular religious belief, I do not believe that should be pushed on an individual. But in terms of whether it should be secular, I think that is a bigger conversation for us to have as a States Assembly. That is why I think it is important for me to review this legislation and to bring that forward and have that within the discussion on the rights of the child and the ability to provide whether it is act of worship or whether it is an act of well-being, mindfulness, all those types of things that we are talking about in the Common Strategic Policy in terms of well-being, mental health and all those types of things.

3.17.5 Deputy M. Tadier:

It seems to me that we have a classic case of special pleading in this law. The Minister mentioned that we could have, for example, a well-being requirement within the law or we could even have a philosophy requirement in the law, may I suggest, that children have to partake in one act of philosophy every week, but that is not what the law says. Does the Minister agree that these 2 Articles, 19 and 20, belong in a bygone era and that the simplest thing for her is to ask for them to be deleted? Does she think that the deletion of these 2 Articles would have no material consequence, apart from a benefit to students so that they can carry on a secular state education?

Senator T.A. Vallois:

On pure logic and complete understanding of the Deputy's question, I completely agree, in terms of the fact that if we, as a States Assembly or as a Council of Ministers, believe that sports is good for people's well-being, why are we not including that in the legislation, such as well-being and all those types of things? There is nothing wrong with having these types of worships in schools. It allows the children to see different points of view, but whether it needs to be engrained in legislation is the bigger question here. That is why I suggest that by reviewing this legislation and reviewing it in regards to the rights of the child and whether we go forward particularly with a secular education, that is rightfully so for this Assembly to have this debate when amended legislation is brought forward.