

organisation of professedly Protestant bodies, like the Anglican and Lutheran churches. Whilst it might be argued that such treatment would go beyond the functions of an encyclopaedia, the absence of overall assessment of the heritage of canon law within western culture generally weakens the impact of the otherwise excellent treatment of the individual topics within this volume.

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doi:10.1017/S0956618X23000108

Religion in Schools: Learning Lessons from Wales

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Anthem Press, London, 2022, 134 pp (paperback £19.99), ISBN 978-1-83998-425-9

Religion in Schools: Learning Lessons from Wales is the leading text on the law of religion in Welsh Schools. Sandberg's work is succinct and informative, giving the reader a clear understanding of both the current law in Wales and the historical development up until this point alongside the many challenges the new Welsh provisions pose. The book is divided into two sections: religious education and worship under English law; and the new Welsh law on Religion, Values and Ethics.

In 2021, Wales saw substantial changes to its education law through the introduction of the Curriculum and Assessment (Wales) Act 2021 ('the 2021 Act'), the first of its kind in many decades. The Act introduced Religion, Values and Ethics ('RVE') into the curriculum as a replacement for Religious Education. The Act also made RVE compulsory for those of compulsory school age and consequently removed the parental right to opt out. Sandberg highlights the difficulties of the previous approach in applying English law to Welsh schools given the differences in culture and language.

Chapter 2 provides an outline of the law prior to the Butler Act (as it applied to England and Wales). It highlights the substantial historical role churches had in the founding of educational institutions. But for the role of the churches, the education system as we know it would not exist. Chapter 3 highlights how the provisions of the Butler Act served to strengthen rather than weaken the position of the Church of England. Nevertheless, the financial implications of maintaining such a large schools estate continued to cause the Anglicans problems. This led to the creation of voluntary controlled and voluntary aided schools as detailed in chapter 4. Catholic schools opted to retain the higher

degree of control through the VA option (although this meant also incurring greater costs), whilst many Anglican schools pursued the lower cost VC option.

Chapter 4 considers the position of the law after the Butler Act which brought the church schools within a re-formed maintained system and amongst other things gave the Church of England and representatives of other religious groups responsibility for the authorship of the normal religious instruction curriculum. Chapter 5 goes on to outline the current law as it applies to England (and prior to the 2021 Act, Wales). The current law is found in the Education Act 1996 and the School Standards and Frameworks Act 1998. These acts continue the 1944 distinction between types of schools, and has been compounded upon through the introduction of the Academies Act 2010. For schools without a Religious Character, RE must be in accordance with the local agreed syllabus and there is a right for parents to require their child to be withdrawn (although there is no requirement for the school to provide an alternative curriculum during this time).

For those schools with a religious character which are foundation or VC, the RE is in accordance with the agreed syllabus (although parents can request that it be in accordance with the tenets of the school, i.e. denominational RE), whereas in VA schools the RE must be in accordance with the trust deed. All schools regardless of religious character must provide collective worship on a daily basis. For those schools without a religious character this is to be in the 'broad traditions of Christian belief'. For schools with a religious character the CW must be in accordance with the trust deed.

Chapter 6 considered the role of human rights law on religious instruction. Sandberg highlights the role and limitations of A2P1 and Article 9 ECHR. He also discusses the difficult balance between the rights of a child and their parents. This is poignant because the right to opt out is a parental right and fails to recognise the sliding scale of involvement children may have in their education.

Part 2 of the book commences in chapter 7, which details the proposals for the new curriculum in Wales. In order to counter the negative effects of the overly prescriptive national curriculum and return autonomy to schools, Wales now has broader Areas of Learning and Experiences (AoLE). Through this new approach RE has been placed under the Humanities AoLE in order to encourage links to other areas of learning.

The consultation process is covered in chapter 8. Sandberg implies to an extent that the Welsh Government had made its mind up before launching the consultation—given the fact that only a small minority agreed with removing the opt-out. He highlights how even the title of the consultation gave away their motivations to make it a compulsory subject. He also draws attention to how the second consultation process occurred simultaneously

with the passing of the bill—serving to greatly undermine the value of the consultative process.

Sandberg also highlights the inequality in obligations for schools with and without a religious character. If a non-Anglican attended a Church in Wales school, they could request to have RVE taught in accordance with the locally agreed syllabus (thus requiring the school to teach two syllabi). However, if an Anglican child attends a maintained school without a religious character, they will have no right to request a syllabus taught in accordance with their beliefs. Although not identified in Sandberg's critique, this could cause disparity in rural areas where children attend a school due to locality and not necessarily due to it aligning with a family's belief system. Whilst it is acknowledged that Catholic schools in Wales will always see to teach in accordance with their trust deeds, readers would benefit from research into how many Church in Wales schools seek to align the teaching of RE to their trust deeds and therefore teach anything other than the locally agreed syllabi.

Chapter 10 recounts the passage of the bill which was on the whole a relatively smooth journey through the Senedd despite the serious concerns from some stakeholders. The 2021 Act was not significantly different from the Bill introduced. Finally, chapter 11 details the new law set out in the 2021 Act. Maintained schools without a religious character must teach RVE which has regard to the locally agreed syllabus. VC schools must teach RVE which has regard to the locally agreed syllabus unless that does not accord with the school's trust deed or religious tenets.² Whilst VA schools must teach in accordance with the trust deed or tenants they must also make 'additional' provision for teaching in accordance with the locally agreed syllabus. The associated guidance has now been published as of January 2022. Whilst an improvement on the draft, Sandberg identifies several issues remaining with the guidance.

He also notes that whilst the Welsh changes should be inspirational, further reform is required. He highlights several issues with the new Act which fall broadly into seven categories:

- (a) The place of RVE within the Humanities curriculum
- (b) The opt-out for teachers
- (c) The nature of RVE in schools with a religious character³
- (d) The definition of RVE
- (e) The definition of Religion

2 In such instances the curriculum must also make additional provision for teaching and learning encompassing the mandatory element of Religion, Values and Ethics that does accord with those provisions of the trust deed or religious tenets.

3 In Wales the only schools with a religious character (or religious designation) are Anglican (VA and VC) and Catholic (VA) schools.

- (f) The definition of philosophical convictions
- (g) The position of sixth formers

This book is an important read for anyone involved in the sociolegal issues of religion and education. The policy motivations and challenges which have occurred in Wales provide important lessons to other jurisdictions and may provide an indication of the direction of travel legislators wish to take. They also demonstrate many of the issues with using consultative processes during legislative development. The Act serves as a strong example of the use of devolved powers and this text may be of interest to public lawyers more broadly.

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doi:10.1017/S0956618X2300011X