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Guidelines on religious instruction
in State primary and intermediate schools

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Why guidelines on religious instruction?

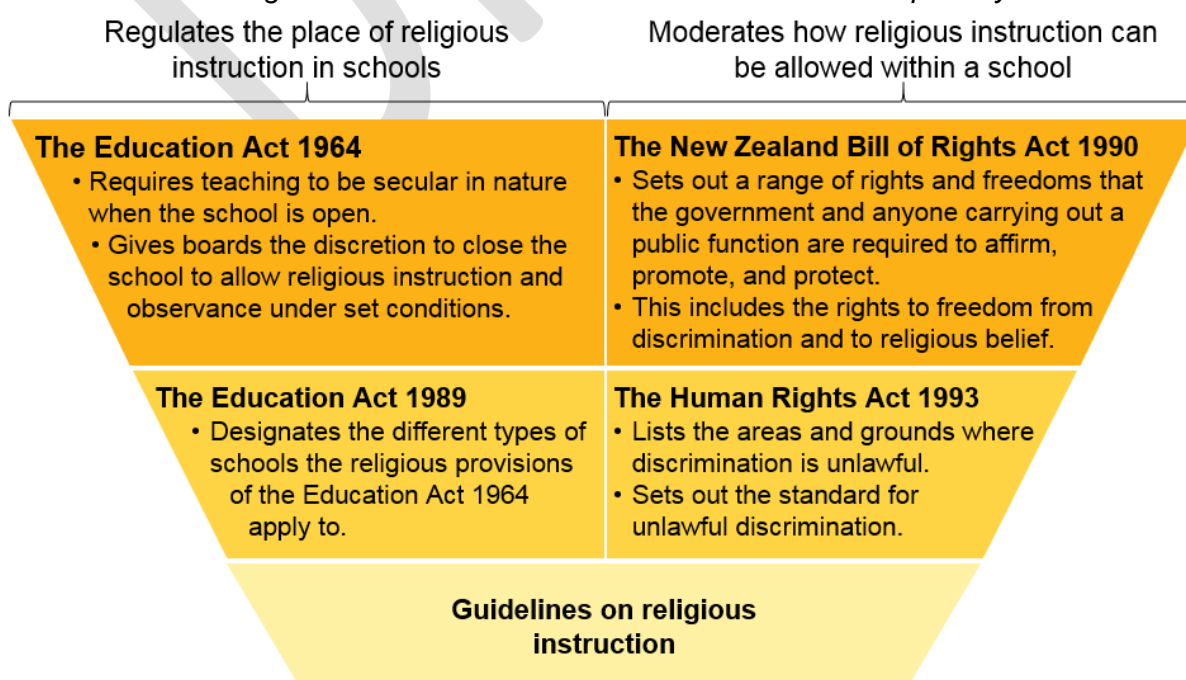
The Ministry of Education (the Ministry) has developed these draft *‘Guidelines for religious instruction in state primary and intermediate schools’* (the guidelines). The guidelines have been produced to help clarify what boards of trustees legal obligations are when allowing religious instruction, and to help boards of trustees develop best practice policies and practices around **how** to offer religious instruction.

The Education Act 1964 states that teaching in all state primary schools must be **entirely of a secular character** (non-religious) while the school is open. The Education Act 1964 also gives boards of trustees a choice of whether to close the school, or a place within the school, to allow religious instruction under certain conditions. Boards of trustees can also decide what kind of religious instruction is allowed. The Education Act 1989 means that the Education Act 1964’s religious instruction provisions apply to State primary and intermediate schools, schools with designated special character, Kura Kaupapa Māori and some Kura-ā-Iwi.

As well as complying with the Education Act 1964, boards must also comply with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. These human rights laws ensure that all people living in New Zealand have the right and the freedom to their own religious beliefs as well as the right to and freedom from religion. These human rights laws aim to ensure that people are not discriminated against because of their religious, or non-religious beliefs. All schools have obligations to protect and promote the rights of students and parents in a multi-cultural and multi-faith society.

What this means in practice is that, while schools can close to offer religious instruction, they must do so in a way that does not discriminate against anyone who holds different beliefs. The draft guidelines provide practical advice for boards on how to enable the closure of schools for the delivery of religious instruction programmes, while doing so in a way that keeps the rights of diverse students, and their families and whānau, at the centre of their decision making to reduce the possibility of discrimination.

The diagram below shows how the different pieces of legislation work together to shape how boards can allow religious instruction to be offered to students in state primary schools



The difference between religious instruction, religious observance, and religious education¹

These guidelines are focused on religious instruction, not religious observance or religious education

Religious instruction is the teaching or endorsing of a particular faith. It is the non-neutral, partisan teaching of religion which supports or encourages student belief in the religion being taught. Religious instruction is **not** part of *the New Zealand Curriculum* or *Te Marautanga o Aotearoa*.

Religious observances are ceremonial or devotional acts of religion, such as prayers, Christian karakia, the singing of hymns, or religious readings. They support or encourage adherence to a particular belief or religion. Religious observances are **not** part of *the New Zealand Curriculum* or *Te Marautanga o Aotearoa*, and are not covered in these guidelines.

Religious education is the neutral teaching and presentation of information about religion, sometimes in the context of studying customary and cultural practices in curriculum subjects, such as the social sciences learning area of *the New Zealand Curriculum*.

The application of the guidelines

These guidelines apply to state primary schools. This includes intermediate schools, Kura, Kura Kaupapa Māori and Kura-ā-Iwi, and schools with designated special character because they are designated as primary schools under the Education Act 1989.

The guidelines apply to activities run on a school's premises, as well as school activities based offsite (such as school camps).

The guidelines do not apply in the same way to state secondary schools, State integrated schools, or private schools. However, these schools are bound by the Bill of Rights Act 1990 and the Human Rights Act 1993 in the same way as other schools. The boards of these schools should therefore find these guidelines useful when deciding whether to allow, or how to offer religious instruction. State integrated schools will also still need to meet their obligations under the Education Act 1989.

The guidelines do not apply in the same way to religious observances.²

For more information, contact your [regional Ministry of Education Office](#).

¹ These definitions are informed by [Religion in New Zealand Schools - questions and concerns](#) published by the Human Rights Commission.

² When allowing religious observances, schools must: observe the relevant time constraints; make sure any religious observance occurs during a time, and when that part of the school is closed for instruction; allow students to opt out; and respect students' and teachers' rights to manifest their religion in practice and observance.

The legislative framework

Education Act 1964 requires all teaching in state primary schools to be secular, but gives boards of trustees of state primary schools the choice of whether to close their school (or a class or classes within the school) to allow religious instruction or observances under set conditions.

The relevant sections of the Education Act 1964 are as follows.

- [Section 77](#) requires all teaching in state primary schools to be entirely of a secular character.
- [Section 78](#) permits religious instruction to be taken by volunteers and religious observances to be conducted in a manner approved by the board, when either the school, a class or multiple classes, are closed. Closure of the school for the allowance of religious instruction or observances can occur at any time of the school day for a period of up to 60 minutes per week, and no more than 20 hours per year.
- [Section 78A](#) allows for extra provision of religious instruction or observances where this is supported by the majority of a school's parent community, and the Minister approves it.
- [Section 79](#) requires that attendance at religious instruction or a religious observance is not compulsory. A student is not required to attend if any parent or guardian has conveyed this in writing to the school.
- [Section 80](#) permits a teacher to ask the board's approval to be freed from school duties to take part in religious instruction or observances for up to 30 minutes per week.

The Education Act 1989 defines that State primary schools are those that offer education anywhere within the range of Years 1-8, and include State intermediate schools, schools with a designated special character, Kura kaupapa Māori and Kura-ā-Iwi.

The relevant sections of the Education Act 1989 are as follows.

- [Section 5](#) sets out primary school enrolment criteria by age.
- [Section 145](#) designates intermediate schools as primary schools.
- [Section 156](#) sets out that designated character schools, including Kura Kaupapa Māori are State schools.
- [Sections 444](#) and [445](#) regulate the place of religion in State integrated schools in a different way to other State schools.

New Zealand Bill of Rights Act 1990 sets out a range of rights and freedoms that the government and anyone carrying out a public function are required to affirm, uphold and protect. The New Zealand Bill of Rights Act 1990 means that students, their parents, caregivers, family and whānau have the right to freedom to religious or non-religious belief, as well as the right to freedom from discrimination.

In practice, this has a moderating effect on *how* religious instruction is decided on and delivered within a school. The New Zealand Bill of Rights Act 1990 does not override a board's authority to close the school to allow religious instruction to take place.

The relevant sections of the New Zealand Bill of Rights Act 1990 are as follows.

- [Section 3](#) provides that the Bill of Rights only applies to acts done by the government or anyone carrying out a public function
- [Section 13](#) gives everyone the right to freedom of thought, conscience, and religion.
- [Section 15](#) gives everyone the right to manifest their religion and belief - manifestation of religion and belief is how people express their beliefs (such as participating or leading religious ceremonies or wearing religious dress)
- [Section 19](#) gives everyone the right to be free from discrimination on the grounds included in the Human Rights Act 1993.
- [Section 20](#) reinforces that people who belong to ethnic, religious or linguistic minorities also have these rights protected.

The Human Rights Act 1993 gives more information on what types of discrimination are unlawful. These grounds include discrimination based on religious and non-religious belief, including agnostic and atheistic belief.³ What this means in practice is that, while boards of trustees can choose to close their school to allow religious instruction, they must do it in a way that does not discriminate against anyone who holds different beliefs.

The relevant sections of the Human Rights Act 1993 are as follows.

- [Section 21](#) sets out that discrimination on the basis of religious or non-religious belief is unlawful.

³ Human Rights Commission (2010). Human Rights in New Zealand Ngā Tika Tangata O Aotearoa. p. 141. Retrieved from https://www.hrc.co.nz/files/7014/2388/0544/Human_Rights_Review_2010_Full.pdf



Guidelines on religious instruction in state primary and intermediate schools

Summary

Boards of trustees (boards) of state primary schools, should, when making decisions about whether and how to deliver religious instruction and observances, always keep the protection of the rights of students and their family and whānau at the centre of decision-making.

Boards should consider how their policies and practices in relation to religious instruction impact on the rights of students, their parents, caregivers, families and whānau, to hold different religious and non-religious beliefs. Boards should consider how to balance diverse beliefs in a manner that protects students and their parents, caregivers, families and whānau, while meeting the needs and wishes of the communities they serve.

Boards have the discretion to close to allow religious instruction programmes under certain conditions. This means that while some boards may choose to close their school, or a place in their school to allow religious instruction programmes, others may not. The kind of religious instruction, and content of religious instruction programmes allowed may vary greatly between schools.

These guidelines are intended to be used by boards to develop policies and practices that address each of these scenarios.

The Ministry recommends that boards of trustees:

- 1. Use community consultation to inform decision-making**
- 2. Provide full and accurate information to students, families and whānau to help them make informed decisions**
- 3. Offer valid education alternatives to religious instruction**
- 4. Adopt a signed consent approach to religious instruction**
- 5. Use volunteers who are not teaching staff to lead religious instruction**
- 6. Provide secular school and student support services**
- 7. Perform or sight safety checks for volunteers**
- 8. Communicate to families and whānau the complaints procedure and use that complaints procedure to resolve issues**

1. Use community consultation to inform decision-making

There can be diverse religious beliefs held across a community and within a school. When making decisions about whether to allow religious instruction, boards should ensure that the views of all members of the school community are given fair consideration, to uphold the rights of students and their parents, caregivers, families and whānau.

The Ministry recommends school boards:

- seek community input in the most appropriate way for that community (for example written survey, open meeting) about whether to allow religious instruction and how it should be offered
- seek to ensure that parents and whānau are made fully aware during the consultation process of the nature and content of any proposed programmes and the non-religious education alternative that will be offered
- have a transparent and open decision-making process, and make the findings from consultation available to the school community
- consult every three years, or when there has been a noticeable change in the needs of the community, or if there is a proposed change to the religious instruction offered.

In addition to the above recommendations, boards should consider how they collect and compare information from groups who wish to provide religious instruction in their schools. This is so the board is capturing accurate and consistent information from providers, and is able to demonstrate to the community a neutral, transparent selection process.

A scenario for community consultation to inform decision-making

A board was reviewing its religious instruction programme. It decided to hold a community meeting as part of a pre-organised whole school cultural event. The board advertised the meeting as part of the event in the school newsletter, on its website and social media pages, and sent information home with students.

During the meeting the board presented information on the nature and content of the proposed religious instruction programme and on the alternative non-religious programme that would be available to those that do not participate.

The board welcomed discussion from students, families, whānau, and community members. Attendees could leave comments on a feedback form that they dropped into a box if they did not feel comfortable speaking at the meeting.

The board considered all the feedback and decided to offer religious instruction alongside the proposed alternative for students who do not participate in the religious instruction programme. The board summarised and published the feedback and final decision, including how it arrived at the decision, in the school newsletter and on its website.



2. Provide full and accurate information to students, families and whānau to help them make informed decisions

Information provided to students, their parents, caregivers and whānau, should inform them of the nature and content of any religious instruction programme(s) and the education alternative(s). This will ensure that students, families and whānau are made fully aware of what students will be learning while in each of the programmes. Information should be provided during consultation (see guideline 1), and on a regular basis after consultation.

The Ministry recommends that students, their parents, caregivers and whānau are provided with clearly communicated written advice:

- on the nature of content being taught in any religious instruction and alternative programmes
- that any religious instruction programme is not religious education and therefore not part of the New Zealand Curriculum
- that attendance at any religious instruction programme is not compulsory
- that the religious instruction programme endorses a particular religious faith and will use or reference religious documents, such as the Bible
- on who will be taking each of the programmes, and the time and place that the programmes will be held.

The Ministry recommends that boards communicate information to students, families and whānau, including through regular community consultation (for example, every three years).

3. Offer valid education alternatives to religious instruction

If boards choose to offer religious instruction during a time that the school would usually be open for teaching, students who do not participate in the religious instruction programme should be provided with a well-planned, valid education alternative.

This is important in order to ensure that students are not treated in a discriminatory manner based on their beliefs. Students should not feel pressured to participate in religious instruction because the alternative options are ad hoc or not appealing. Students should not perceive the alternative as a punishment for not participating in religious instruction.

The Ministry recommends boards decide, in consultation with the community (see guideline 1), on a valid education alternative to religious instruction. Information should be provided on the alternative during consultation and on a regular basis thereafter. The information should include:

- the nature and content of the alternative programme and that it is non-religious
- who will be taking the programme, and the time and place that the programme will be held.

To ensure the rights of students, families and whānau are protected, boards could consider offering religious instruction at a time when the school is usually closed for teaching, such as before or after school, or during lunchtime. This approach would help schools avoid the risk of discrimination towards a student based on their religious or non-religious beliefs, or those of their parents, caregivers or whānau.

Making religious instruction available to students at a time when the school is usually closed for teaching means that it would not be necessary for schools to offer an alternative.

A scenario for offering alternative programmes

After consulting with its community, a board decided to offer a Christian based, and an Islam based, religious instruction programme, to reflect both the Christian and the increasing Muslim populations in the community.

The board also introduced an education alternative option for students who do not participate in the religious instruction programmes.

As a result of community consultation it was decided that the education alternative would be an inquiry based around values, family and culture in a non-religious context.

A scenario where a school is closed when religious instruction programmes are offered

A board decided after consultation with its community to continue to provide religious instruction. The community supported starting the school day later on a Friday, at 9.30am instead of 9.00am. Students who participated in religious instruction came to school at 8.45am. The religious instruction programme ran through to 9.30am, at which time the school opened for teaching.

As the school was closed for normal teaching, those who did not participate in the religious instruction programme started school at 9.30am.

The school opened the library for students who caught the bus to school or needed to be dropped off at the usual time.

4. Require signed consent for religious instruction

The Ministry recommends requiring signed consent for participation or non-participation in religious instruction.

Requiring signed consent helps schools to align practices and processes with the protection of students' rights and ensure students are free from discrimination. This lowers the possibility that students will face discrimination based on their religious or non-religious beliefs. This is because with signed consent, students who participate in religious instruction are there with the knowledge and explicit consent of their parents, caregivers and whānau.

Requiring signed consent should also lower the risk of indirect pressure for students to participate in religious instruction. Indirect pressure could come about if students are embarrassed or confused about why they have been withdrawn from a class.

The Ministry recommends boards:

- require signed consent for all religious instruction offered, to make sure parents, caregivers and whānau agree to their child's participation
- adopt the default position of non-participation (e.g. participation in the alternative, non-religious option), where families and whānau have not provided signed consent
- require signed consent at enrolment, prior to the commencement of a religious instruction programme if never offered before, and prior to the commencement of a religious instruction programme if any aspect of the programme has changed from previous years
- keep a record of the signed consent.

A scenario of a signed consent process for religious instruction

After consulting the community, the board decided to allow religious instruction and one non-religious alternative.

Families and whānau received written advice that outlined the nature and content of the two options (provided during community consultation). They were asked to select one of the two options for their child and sign and return an enclosed form.

Some families and whānau did not return the form. The children were placed in to the alternative non-religious programme. The school kept copies of the signed consent forms as part of the students' records of information.

After reading the full and accurate information provided by the school (see guideline 2), some families and whānau were still not sure about which option to select. The board included on the consent form the contact information of the provider of the religious instruction programme so that families and whānau could contact the provider directly for more information. The board also provided the contact information of the staff who would take the alternative programme.

5. Use volunteers who are not school staff members to lead religious instruction

The Education Act 1964 specifies that all religious instruction be taken by volunteers. When religious instruction is taken by a member of the teaching staff, it may be difficult for students to distinguish between the teaching of the curriculum, and the teaching of a particular faith, outside of the curriculum.

Ensuring that religious instruction is taken by volunteers lowers the risk that students will become confused about the place of religious instruction within the school. Using volunteers reduces the risk that some students feel excluded from their teacher and peers, reducing the pressure students may feel to participate in religious instruction.

The Ministry recommends that:

- all religious instruction is taken by volunteers
- volunteers who take religious instruction classes do not fulfil any other teaching or support role within the school, such as teacher aides or counsellors
- the teaching staff of the school have no role in leading religious instruction that takes place at the school, but if necessary may need to act in a supervisory role (see guideline 7).

6. Provide secular school and student support services

In order to provide all students the same opportunity for access to support, the Ministry recommends that all pastoral and support services should be secular in nature.

Support services might include those provided by health and youth workers, counsellors, or mentors, or it might include the provision of specific learning and/or behaviour programmes. This will ensure that students, families and whānau of diverse beliefs feel confident they can access the support they need.

The Ministry also recommends no counselling and support staff be linked to the religious instruction programmes offered at the school.

A scenario for secular support services

A board was offered the help of a small, not-for-profit organisation that would provide support services to students, families and whānau by way of a trained individual support worker. The organisation was founded on Christian principles and provides a range of services to the community.

The board and the organisation worked together to establish what services the support worker would offer to students and both agreed that any support would be secular in nature. The support worker signed an agreement outlining these terms.

The board and the organisation also agreed that the organisation would not be a provider of religious instruction at the school while it provided secular support services.

The school communicated to its community about the arrangement and indicated that students, families and whānau could expect only secular support from the individual support worker and the organisation in the context of the school setting.

The arrangement worked successfully with the expectation of secular support established early, and families and whānau informed of the kind of support they could expect to receive.

7. Perform safety checks on volunteers


The Vulnerable Children Act 2014 (VCA) introduced a number of requirements including that paid workers who work with and provide regulated services to children will need to be **safety checked** by their employer. The overarching purpose of undertaking the safety check is to ensure that people working with children do not pose a risk to their safety. A safety check comprises six main elements – an identity check, an interview, a police vet, work history check, referee checks and a risk assessment.

While volunteers (people who are not paid for their time) are not required under the VCA to be safety checked, the Ministry recommends that boards **safety check all volunteers who will have access to, and who will have regular or overnight contact with, children**. The Education Act 1964 requires that volunteers deliver religious instruction programmes. Safety checks should be completed by the school (or religious instruction organisation) prior to the volunteer commencing involvement with the religious instruction programme allowed in the school.

Some providers of religious instruction programmes may complete some elements of the safety check, such as a police vet, on volunteers as part of their processes. A school may choose to rely on these elements as part of its safety check. Where some or all components of a safety check have been completed by another organisation on a board's behalf, the board is still responsible for confirming that these components have been completed, and ensuring that a full safety check has been done. Where this is the case, the Ministry recommends that the board sight a copy of the police vet after gaining authorisation from the volunteer (a police vet should be less than three years old). In these circumstances, the Ministry also recommends that the board still undertake its own identity check of the volunteer.

Where a volunteer has not undergone a safety check, the Ministry recommends that a school staff member attends the religious instruction or observance in a supervisory role. The staff member should not participate in the religious instruction programme.

The VCA also requires schools to have a Child Protection Policy in place from 1 July 2016. This policy should outline the board's commitment to child protection and recognise the important role and responsibility of all staff (including volunteers) in the protection of children.



For more information on the Vulnerable Children Act 2014 and helpful resources, see the [Ministry website](#) and the [Children's worker safety checking under the Vulnerable Children Act 2014](#) resource.

A scenario for undertaking or sighting safety checks

A board was allowing a religious instruction programme delivered by a large provider of religious instruction. All volunteers for the organisation were subject to a police vet as part of their induction.

The board sought authorisation from the volunteer assigned to take the religious instruction to see their police vet and will seek authorisation from any volunteers who might fill in from time to time. The board completed the other components of a safety check on the volunteer including an identity check, an interview, a work history check, referee checks and a risk assessment.

The board's Child Protection Policy states that it will safety check all volunteers and requires volunteers to sign in and out at the office when visiting.

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8. Communicate to families and whānau the complaints procedure and use that complaints procedure to resolve issues

Boards should aim to have open lines of communication with students, families, whānau and the community. School boards should be able to use these guidelines to design policies and practices around religious instruction that reflect community need while at the same time protect the rights of students, their families and whānau.

However, there may be times where families and whānau are dissatisfied with the way that religious instruction is handled.

The Ministry recommends that:

- boards ensure they have a clear and accessible complaints procedure that staff are familiar with
- the complaints procedure (or how to access information about it) is clearly communicated to families and whānau
- boards follow the established complaints procedure in an effort to find a satisfactory solution.

If boards do not have a complaints procedure, the Ministry recommends that boards proactively develop one.

For more information on handling complaints, see the Ministry's website for Educational Leaders on [Dealing with complaints](#) and a report from the Ombudsman's Office on [Good complaints handling by school board of trustees](#).

A scenario for communicating and dealing with complaints

A teacher received a complaint from a parent regarding the school's practice in religious instruction. The parent was unhappy that their child attended a religious instruction class when they had not given consent for their child to participate in the lesson.

The teacher, using the school's complaints policy, took time to listen to the parent and make sure their concern was understood then advised the parent that they would take some time to investigate what had happened. The concern was relayed to senior management at the school.

Upon investigation, it was found that a reliever, who did not have knowledge of who had given consent for which option, was taking the class on the day in question. This led to the child remaining in the class while the religious instruction took place.

The board asked senior management to decide on a number of practical steps to improve communication between permanent staff, relievers and the provider of religious instruction to address the concern. The teacher communicated these solutions to the parent who confirmed that they were satisfied with the outcome.

Glossary

Closed -	The school (or a designated area of it) is not open for instruction
Karakia -	Māori prayers or incantations (may be religious or non-religious)
Religious Education -	The neutral teaching and presentation of information about religion, in the context of another curriculum subject, such as the social sciences learning area of the New Zealand Curriculum
Religious Instruction -	The teaching or endorsing of a particular faith. It is the non-neutral, partisan teaching of religion which supports or encourages student belief in the religion being taught
Religious Observance -	Ceremonial or devotional acts of religion, such as: prayers, karakia, the singing of hymns, or religious readings. It supports or encourages adherence to a particular belief or religion
Safety checks -	As required by the Vulnerable Children Act 2014 requires confirmation of identity, collection of information including work history and an interview, third party checks with police or licensing bodies like the Education Council
Secular -	Not connected with religious matters
Support Services -	Counselling, youth work or health services
Te ao Māori -	The Māori worldview
Te reo Māori -	The Māori language
Tikanga Māori -	The Māori way, culture, custom
Volunteer -	A person who performs work for an organisation without being paid