
Guidelines on religious instruction

in state primary schools and intermediate schools,
including ngā kura

Education System Policy, August 2020



Table of Contents

Introduction.....	2
Why guidelines on religious instruction?	2
The difference between religious instruction, religious observance, and religious education	2
The status of the guidelines.....	3
The application of the guidelines	3
Summary	4
1. Use community consultation to inform the decision about whether or not to allow religious instruction	5
2. Provide full and accurate information to students, families and whānau to help them make informed decisions	7
3. Offer valid alternatives to religious instruction if religious instruction takes place when the school would usually be open for teaching.....	9
4. Hold religious instruction on an opt-in basis	11
5. Use volunteers who are not school staff members to lead religious instruction	12
6. Provide secular school and student support services.....	13
7. Ensure safety checks on volunteers have been completed	14
8. Communicate the complaints procedure to families and whānau and use that complaints procedure to resolve issues	16
Further Information.....	18
The legislative framework	18
Escalating complaints.....	20



Introduction

Why guidelines on religious instruction?

The Ministry of Education (the Ministry) has developed these ‘*Guidelines for religious instruction in state primary schools and intermediate schools, including ngā kura*’ (the guidelines) to help:

- Boards of Trustees (Boards) understand what their legal obligations are when allowing religious instruction and how they can meet them
- children and their parents, caregivers, family and whānau understand what their rights are and what they should expect from their schools.

Our education law requires that teaching in all state primary schools must be **entirely of a secular character** (non-religious) while the school is **open**.

It also gives Boards a choice about whether or not to **close** the school to allow religious instruction to take place **under certain conditions** (see page 15 for more information).

If a Board chooses to close their school to allow religious instruction to take place, they must also comply with New Zealand’s human rights laws. What this means in practice is that religious instruction must be done in a way that does not discriminate against anyone on the basis of their religious or non-religious beliefs.

A student may only attend or take part in religious instruction if a parent or caregiver has confirmed in writing to the principal that the student may do so.

The guidelines provide practical advice for Boards on how to enable the closure of schools for the allowance 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 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, the singing of hymns, or religious readings. Religious observances are **not** part of *the New Zealand Curriculum* or *Te Marautanga o Aotearoa*, and are not covered in these guidelines.

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

Religious education / Religious studies 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* or within *Te Marautanga o Aotearoa Tikanga-ā-lwi*.

The status of the guidelines

A Board does not have to allow religious instruction and observances. If the Board chooses not to, there are no legal obligations to comply with. If it does choose to allow religious instruction or observances, the Board must meet all their legal obligations under the legal framework.

The guidelines provide Boards with support to develop best practice policies and processes about how to allow religious instruction, including during the decision-making process. These guidelines are not regulatory instruments and are not enforceable. Boards can choose whether or not to use the guidelines.

The application of the guidelines

These guidelines apply to Boards of state primary schools and intermediate schools including kura and other designated character schools. 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 New Zealand 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, or how, to allow religious instruction. State integrated schools will also need to meet their obligations under the Education and Training Act 2020.

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

² When allowing religious observances, schools must: observe the relevant time constraints; make sure any religious observance occurs during a time 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.



Guidelines on religious instruction in state primary and intermediate schools

Summary

Boards of state primary and intermediate schools should, when making decisions about whether and how to allow religious instruction, always keep the protection of the wellbeing and rights of diverse students and their family and whānau at the centre of decision-making.

Boards have the discretion to close to allow religious instruction programmes under certain conditions. This means that while some Boards may not close their school to allow religious instruction programmes, others may choose to because it reflects what their community wants.

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 the decision about whether or not to allow religious instruction
2. Provide full and accurate information to students, families and whānau to help them make informed decisions
3. Offer valid alternatives to religious instruction if religious instruction takes place when the school would usually be open for teaching
4. Hold religious instruction on an opt-in basis meaning the principal must require a signed confirmation in writing from a parent or caregiver before allowing a student to attend.
5. Use volunteers who are not teaching staff to lead religious instruction
6. Provide secular school and student support services
7. Ensure safety checks on volunteers have been completed
8. Communicate the complaints procedure to families and whānau and use that complaints procedure to resolve issues

1. Use community consultation to inform the decision about whether or not to allow religious instruction

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 an online survey with options to submit anonymously or as a group) about whether to allow religious instruction and, if so, then how it should be allowed
- ensure that parents and whānau are made fully aware during the consultation process of the nature and content of any proposed programmes (see recommendation 2) and the non-religious alternative that will be offered (see recommendation 3) if the religious instruction takes place when the school would usually be open for teaching
- have a public, transparent and open decision-making process, and make the findings from consultation available to the school community
- consult at least 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 allowed (including for one-off religious instruction, such as at a school camp).

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

A scenario for community consultation to inform decision-making about whether or not to allow religious instruction

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 including on the nature and content of the proposed religious instruction programme (see recommendation 2) and on the alternative non-religious programme (see recommendation 3) 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 could anonymously drop into a box if they did not feel comfortable speaking at the meeting.

Engagement at the meeting was low. The Board considered that they did not have enough feedback to make a decision about religious instruction which reflected the wishes of their whole community. The Board decided to continue consulting until they understood whether religious instruction had clear and substantial support, before making a final decision.

able to demonstrate to the community a neutral, transparent selection process.



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 recommendation 1), and on a regular basis after consultation. This includes instances where there may be one-off religious instruction, for example a school camp.

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

- that any religious instruction programme endorses a particular faith or is given from a faith-based perspective and will use or reference religious documents, such as the bible and therefore is not part of the New Zealand Curriculum or Te Marautanga o Aotearoa
- on the nature of content being taught in any religious instruction and alternative programmes
- that attendance at any religious instruction programme is not compulsory and may only occur with written parental permission
- on who will be taking each of the programmes and the time and place that the

A scenario for providing full and accurate information to students, families and whānau to help them make informed decisions

A Board had decided in consultation with its community to allow a religious instruction programme. The programme was run by an external provider and based on Christian values. The programme was called “Walk with Me”. Since “Walk with Me” was held during lunch time, no alternative would be offered.

The Board understood that the title alone was not sufficient to ensure students, families and whānau were making informed choices. The Board prepared written advice that detailed the nature and content of the programme during consultation. When the board was seeking parental consent for students’ attendance, the following information was sent home again.

“Walk with me” is a values based programme informed by Christianity. The classes will be held during lunchtime every Thursday in Room 5 and run by a volunteer from The Christian Centre who is not a teacher. Each session focuses on a different value such as loyalty, love, faith, and integrity. These are supported by anecdotes, the students’ own experiences and bible stories. Students will have access to and refer to the Bible.

Families and whānau should be aware that this programme is religious instruction. Religious instruction enables the understanding of the Christian belief, values and dispositions to experience and act in a Christian way. It is not part of religious education or taught within the New Zealand Curriculum.

Attendance at “Walk with Me” is optional. If you wish your child to attend you will need to confirm this in writing. You can contact the school if you want more information.

programmes

will

be

held.



3. Offer valid alternatives to religious instruction if religious instruction takes place when the school would usually be open for teaching

If religious instruction occurs when a school would usually be open for teaching

If a Board chooses to close to allow religious instruction during a time that the school would usually be open for teaching, students whose parents have not confirmed their attendance in the religious instruction programme should be provided with a well-planned, valid 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. The alternative options should be equally appealing and include similar, but secular activities to the religious instruction programme. 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 recommendation 1), on a valid 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 alternative programme, and the time and place that the alternative programme will be held.

A scenario for offering alternative programmes if religious instruction takes place when the school would usually be open for teaching

A Board was interested in allowing a Christian based, and an Islam based, religious instruction programme, to reflect both the Christian and the increasing Muslim populations in the community. The volunteers could only coordinate for the religious instruction to take place during school hours.

The Board recognised that even these two options were not enough to ensure every child had an option that fit their world view, and that of their family and whānau. The Board also consulted on a secular option for students who do not participate in the religious instruction programmes.

As a result of consultation it was decided that the religious instruction programmes would be allowed. Community feedback identified that the secular option should be an inquiry based around values, family and culture in a non-religious context.

The volunteers of both the Christian based and Islam based religious instruction programmes identified that games and activities would form part of the session plan. Games and activities

If religious instruction occurs outside of regular school hours

To ensure the rights of students, families and whānau are protected, Boards could consider allowing 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 of religious instruction taking place outside of regular school opening hours

A Board decided after consultation with its community to continue to allow religious instruction. The community supported religious instruction occurring outside of school hours. Teaching usually started at 9.00am. The religious instruction programme ran between 8.30am and 9.00am, at which time the school opened for teaching. Students who participated in religious instruction came to school at 8.30am.

The school ensured buses arrived at the school by 8.30am so all students had equal opportunity to participate. The library was open between 8.30am and 9am for non-participating students.

4. Hold religious instruction on an opt-in basis

The Education and Training Act 2020 specifies that religious instruction must be held on an opt-in basis by requiring signed consent from a parent or caregiver before allowing a student to participate in religious instruction. This consent form should provide parents or caregivers with information on the religious instruction programme and the valid alternative (see recommendation 3). If the parent or caregiver does not return the consent form, the child must not take part in or attend the religious instruction.

An opt-in process requiring signed consent helps schools to align practices and processes with the protection of students' rights, and to 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 the legal requirement for signed consent, students who participate in religious instruction are there with the knowledge and explicit consent of their parents, caregivers and whānau.

The Ministry recommends Boards:


- require signed consent for all religious instruction offered, to comply with the law and make sure the school has evidence that parents, caregivers and whānau have agreed to their child's participation
- ensure that participation in the alternative, non-religious option occurs, where families and whānau have not provided signed consent
- require attendance to be re-confirmed in writing if any aspect of the programme has changed from previous years
- ensure parents are aware of their right to change their mind on whether their child can participate or not at any time
- keep a record of the signed consent.

A scenario of an opt-in 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. Where signed consent forms were returned, the school kept copies as part of the students' records of information.

After reading the information provided by the school (see recommendation 2), some families and whānau were not sure about which option to select. The Board sought further information from the religious instruction provider to give the families and explained it to the families in a neutral way. The Board also provided an opportunity for the families to talk to the staff member who would take the alternative programme.



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

The Education and Training Act 2020 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 recommendation 7)
- volunteers are made aware of the expectation that no treats, such as lollies or other gifts,

A scenario of using volunteers who are not school staff members to deliver religious instruction

After consulting the community, the Board decided to allow religious instruction outside of regular school hours.

One of the teachers at the school was also a religious instruction volunteer with the Christian Centre, and offered to lead the religious instruction at the school.

The Board decided this would be inappropriate as it may have caused confusion for some students as to the role of religion in the school. Instead the Board agreed with the Christian Centre that a different volunteer, who did not have a direct connection with the school, would lead religious instruction.

should be offered as part of the religious instruction programme

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 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 all counselling and support staff should not 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 including counselling and mentoring.

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 and that the support workers would not promote any external events hosted by a religious organisation on the school site. 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. Ensure safety checks on volunteers have been completed

The Children's Act 2014 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 Children's Act 2014 to be safety checked, the Ministry recommends that Boards **safety check all volunteers who will have unsupervised access to, and who will have regular or overnight contact with, children** as part of their Child Protection Policy. The Education and Training Act 2020 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 seek permission from the person who is being safety checked for the information to be shared before requesting the information
- the Board obtain in writing from the person or organisation completing the safety check that they have done this to the standard set out in the Children's Act 2014, and that no concerns were raised
- the Board still undertake its own identity check of the volunteer.

Where a volunteer has not undergone a safety check, and the Board still sees fit to allow the religious instruction to take place, the Ministry recommends that a school staff member attends the religious instruction session in a supervisory role. The staff member should not participate in the religious instruction programme.

If a Board decides a staff member should supervise, the Ministry recommends that:

- all staff members are made aware of their right not to attend religious instruction
- the Board will support all staff members' choices and there is no pressure to attend religious instruction.

The Children's Act 2014 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 Children's Act 2014 and helpful resources, see the [Ministry website](#) and the [Oranga Tamariki website](#).

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 asked for and received authorisation from the volunteer assigned to take the religious instruction (and any volunteers who might fill in from time to time) that their police vet could be shared. The Board obtained in writing from the organisation that the safety check was done to the standard set out in the Children's Act 2014 and the police vet came back clean. 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

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

Boards should aim to have open lines of communication with students, families, whānau and the community. 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](#)

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 had given consent for their child to attend a "values programme" but was unhappy to discover that the programme was religious instruction because it was given from a faith-based perspective, that values were taught using bible stories, and that children were encouraged to put these values into practice.

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 while the school passed on the information given by the religious instruction provider, it did not provide the full information set-out in recommendation 2 (page 6) to enable families and whānau to make full and informed decisions.

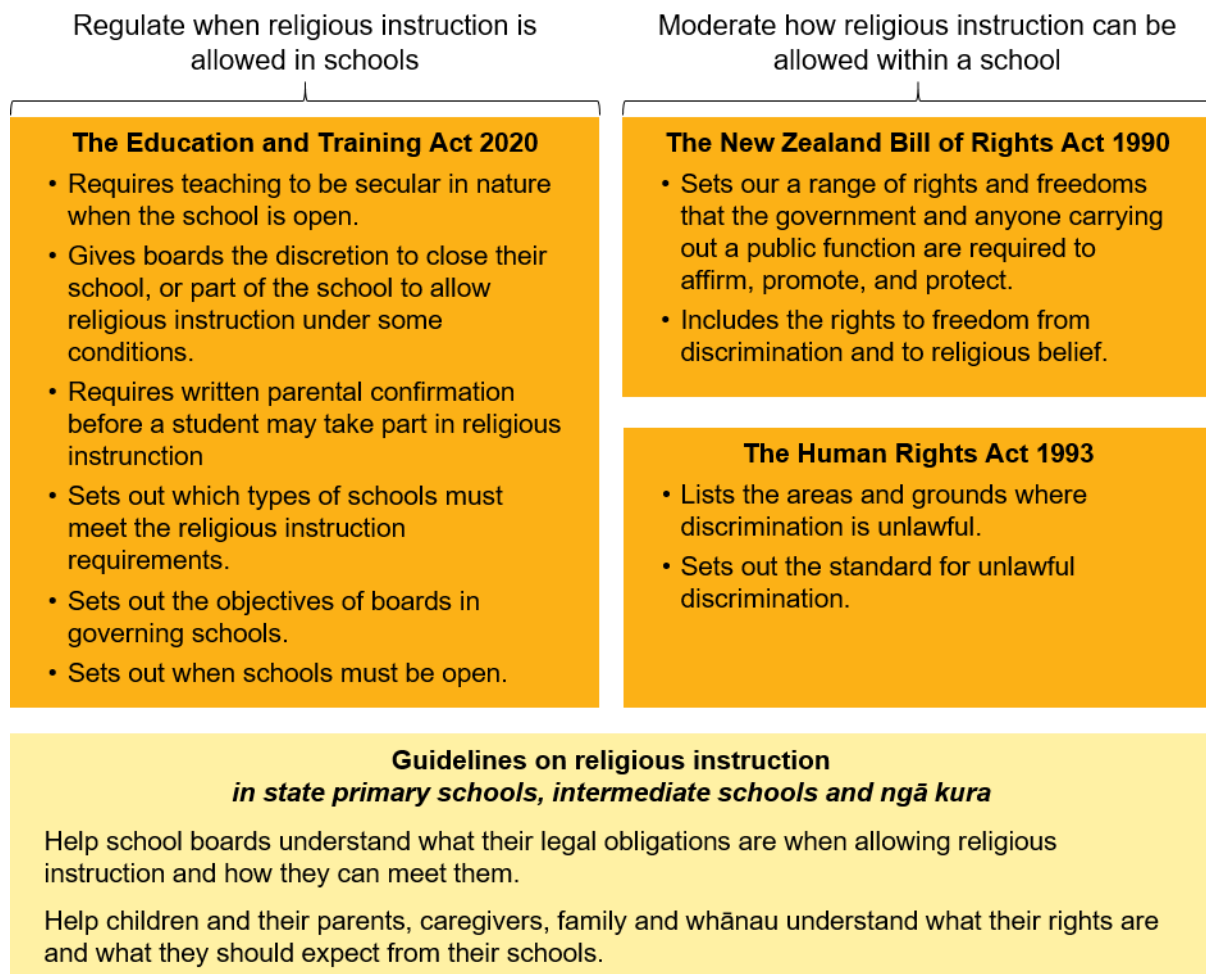
As the school board could no longer be sure that parents or caregivers who had given consent would still have done so with full information, they voided the consents that had received. A new consent form was circulated which expressly stated that the school would be closed for the duration of the programme as it was religious instruction which is not part of the Curriculum, and students would only attend with parental consent. It made clear that the programme would be led by volunteers, have a faith-based perspective, refer to the bible and use prayers.

complaints handling by school Board of trustees.

Further Information

The legislative framework

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 and intermediate schools, including kura



The Education and Training Act 2020

Teaching in state primary and intermediate schools must be secular but school boards may choose to close the school, or part of the school, to allow religious instruction to take place under some conditions. The relevant sections are as follows.

- [Section 97](#) requires teaching in state primary and intermediate schools to be entirely of a secular character.
- [Section 56](#) enables boards to, following consultation with the principal, choose to close 1 or more school buildings so that they can be used for religious instruction conducted in a manner approved by the board. Closure of the school for the allowance of religious instruction 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. Religious instruction must be conducted by voluntary instructors approved by the board

- [Section 57](#) 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 58](#) requires that the school has received written permission from a parent or caregiver before the child is allowed to attend or take part in religious instruction sessions.
- [Section 60](#) permits a teacher to ask for the board's approval to be freed from school duties to take part in religious instruction for up to 30 minutes per week. It also prevents other people from pressuring the teacher to take part in religious instruction.

Boards of state primary schools and intermediate schools, including kura must meet the above requirements. The requirements do not apply to early childhood education services, secondary schools, state integrated schools, or private schools. The relevant sections are as follows.

- [Section 10](#) defines primary school and intermediate school.
- [Section 189](#) sets out that designated character schools, including Kura Kaupapa Māori are state schools.
- [Section 211](#), and clauses [1](#), [29](#), and [58](#) of Schedule 6 work together to establish that although state integrated schools are state schools, the place of religion in these schools can be different. Teaching does not need to be secular, and religious instruction may form part of the school programme.

Boards should consider their objectives in governing schools as part of any decision making process. The relevant section is as follows.


- [Section 127](#) sets out the Board's objectives in governing a school, which are to ensure that:
 - every student is able to attain their highest possible standard in educational achievement;
 - the school is a physically and emotionally safe place for all students and staff; gives effect to relevant student rights set out in the Education and Training Act 2020, the Bill of Rights Act 1990, and the Human Rights Act 1993; and takes all reasonable steps to eliminate racism, stigma, bullying and any other forms of discrimination within the school;
 - the school is inclusive of, and caters for students with differing needs; and
 - the school gives effect to Te Tiriti o Waitangi.

Boards that choose to close for religious instruction must account for the closure and still be open for enough half-days to meet their statutory obligations. The relevant sections are as follows.

- [Section 10](#) defines a half-day as a period of 2 hours or more during which the school is open for instruction.
- [Schedule 21](#) sets out when state schools must be open.

The 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 of 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. If a board



chooses to do so it must be in a rights consistent manner. The relevant sections 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, power or duty conferred on them by law.
- [Section 6](#) provides other law is to be given a meaning consistent with the Bill of Rights whenever possible.
- [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 the right to enjoy their culture, practice their religion and use their language.

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 are as follows.

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

Escalating complaints

Students and their family and whānau have the right to seek a review of their concerns with the Board's decision through the Human Rights Commission and to seek mediation if they wish. If a student or their family and whānau is dissatisfied with the Human Rights Commission's process, they can appeal to the Human Rights Review Tribunal.

Anyone has the right to seek information from a school under the Official Information Act 1982 about religious instruction and observances, and to appeal to the Ombudsman if information is not provided within 20 days or if information is withheld.

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

Glossary

Closed -	The school (or a designated area of it) is not open for instruction.
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, the singing of hymns, or religious readings.
Safety checks -	As required by the Children's 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 Teaching Council.
Secular -	Not connected with religious matters.
Support Services -	Counselling, youth work or health services.
Volunteer -	A person who performs work for an organisation without being paid