

**'Believing We Can: Promoting the contribution faith-based organisations can make to reducing adult and youth re-offending'.  
Response from the British Humanist Association, February 2008.**

## **1. The British Humanist Association**

- 1.1 The British Humanist Association (BHA) is the national charity representing the interests of the large and growing population of ethically concerned non-religious people living in the UK. It exists to support and represent people who seek to live good and responsible lives without religious or superstitious beliefs.
- 1.2 The BHA is deeply committed to human rights, equality, democracy, and an end to irrelevant discrimination, and has a long history of active engagement in work for an open and inclusive society. In such a society people of all beliefs would have equal treatment at law, and the rights of those with all beliefs to hold and live by them would be reasonably accommodated within a legal framework setting minimum common legal standards.
- 1.3 One of our largest campaigning areas at the moment is that of public service reform – and specifically the contracting out of public services to religious organisations. In November 2007 we published our report, 'Quality and Equality: Human Rights, Public Services and Religious Organisations'. This can be accessed at <http://tinyurl.com/25w2hb>, or in hardcopy from the BHA. We are also submitting a copy together with this response and our response to the third sector strategy.
- 1.4 We welcome the opportunity to respond to this NOMS consultation. We consulted with our members in producing this response.

## **2. Summary of our concerns**

- 2.1 We oppose the proposals in this consultation for a number of reasons as set out below and in 'Quality and Equality', which is enclosed. In principle, we do not think that the state should be using public money to fund religious organisations to provide services on its behalf – the fairest and most desirable way would be for the state to remain neutral on matters of religion and belief – privileging none. This is impossible when the Government is proposing to pour millions into funding religious organisations – many of which are evangelical and proselytising organisations – and to contract out probation, rehabilitation and prison services to them.
- 2.2 We are aware that a number of religious organisations and individuals already work in prisons and probation, mostly in a voluntary capacity albeit with some funding, or as partners. However, to commission religious organisations to provide statutory services on behalf of NOMS changes that status and the services provided are no longer secular,

as they would be if they were provided directly on behalf of the state – religion effectively begins to have a direct influence in the criminal justice system. We cannot see any justification for this move, and urge NOMS to reconsider contracting services to religious organisations.

- 2.3 We are deeply disappointed that NOMS has published this consultation paper with its exclusive focus on ‘faith’ and with no consideration for the ‘belief’ element of the religion or belief equality strand, and that it has failed to provide any evidence or good reasoning for essentially compromising the secular neutrality of the prison and probation services.
- 2.4 We are deeply concerned that NOMS has failed to address any of the problems that are specific to commissioning to religious organisations (see ‘Quality and Equality’), including:
- The risk of discrimination against employees and potential employees;
  - The risk of lower standards of service;
  - The risk of discrimination against service users;
  - The lack of human rights protection.

### 3. The present consultation

- 3.1 We have a number of specific concerns about the present consultation and the intended outcomes. We highlight these below with reference to the consultation paper and make recommendations in bold.

*Religious organisations are treated as distinctive when we do not believe they should be.*

- 3.2 We question the very premise of this paper that sees and treats faith-based organisations as distinctive and as warranting exclusive assistance from, and channels of communication with, NOMS, the Youth Justice Board (YJB) and their partners. Recent research by the National Council of Voluntary Organisations (NCVO) makes the case that, despite a desire by policymakers wanting to see and treat faith-based organisations as ‘distinctive’<sup>1</sup> and faith-based organisations themselves wishing to be seen as ‘distinctive’<sup>2</sup>, *‘there is no compelling evidence that faith-based organisations are different from other organisations’*<sup>3</sup>. Further, the research makes the strong recommendation that, **‘The relationship between government and faith-based organisations and between government and other civil society organisations should be based on the same principles,**

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<sup>1</sup> See, for example, this consultation

<sup>2</sup> See, for example, p14 of the consultation, ‘Some faith-based organisations prefer to use the term VCF – Voluntary, Community and Faith Sector – as a means of acknowledging this distinctiveness.’

<sup>3</sup> NCVO (2007) *Faith and voluntary action: an overview of current evidence and debates*. London: NCVO, p56

**such as respect for independence, and informed by the Compact'<sup>4</sup>. We support that recommendation.**

- 3.3 However, 'Believing We Can' praises the distinctive contribution that specifically faith-based organisations can make to reducing re-offending. This position has been adopted despite:
- There being 'no hard evidence' (p13) that 'faith-based' interventions actually have any direct impact on re-offending rates. Neither is there evidence that religious organisations have better, measurable outcomes than secular organisations.
  - Many of the issues facing 'faith-based' organisations, such as lack of capacity and experience, being very similar to if not the same as those affecting other VCS organisations working in the area, yet the consultation is seeking ways to give them privileged and special treatment and assistance.
  - There being no clear definition of what makes an organisation 'faith-based'.
- 3.4 We are concerned that government is seeking to include religious organisations and faith-based interventions to a much greater and more influential extent in the provision of services, including offender management, before any evidence has been presented that they produce better or even similar outcomes to comparable secular organisations and interventions.
- 3.5 In particular we question the paragraph on page 10 of the consultation which states: 'Even where the activity is 'non-faith', faith is usually the motivation for social action, directly informing the content and character of the support and services given. An 'added' or distinctive value may then be identified through understanding the particular characteristics of faith-based organisations in shaping and delivering public services. This does not mean of course that a particular religious organisation will necessarily deliver a service better than a particular secular organisation. It means that if faith-based organisations can meet the required criteria and standards they should be able to compete for funding, and that they may bring particular strengths.'
- First, public services, funded by the state, should be inclusive and equally available and accessible to all. It is simply not right nor is it acceptable that the content and character of a public service should be coloured by religious doctrine and/or practice.
  - Second, we strongly contest that to have an essentially secular ('non-faith') activity or service influenced by religious activity, practice, doctrine or superstition could conceivably be considered

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<sup>4</sup> Ibid

as having 'added value'. Would medical services provided by the NHS also benefit from being heavily influenced by 'faith'?

- Third, even after stating that 'faith' brings an added value to public services, no evidence, again, is given for faith-based organisations being able to provide similar let alone better outcomes than secular organisations— rather it is stated that there is no reason to suggest that a religious organisation could deliver a better service than a secular one, putting into question the very basis of this consultation.
- Fourth, it should be taken as read that any organisation commissioned and funded by government to provide a service on behalf of the state should not (and this should be stipulated in the contract) be allowed: to proselytise; to provide that service in a religious manner; to incorporate religious doctrine or activity into that service; or to provide that service in a religious setting. If an organisation, when contracted to provide a service is unable to do this, then it should be considered unsuitable for funding.
- Fifth, we contend that there is no evidence to support the assertion that 'faith is usually the motivation for social action'. Moreover, to imply (as is done in the consultation paper) that it is religious people in the main who are motivated to voluntary action is as incorrect as it is insulting to non-religious people. In fact, not only do religious and non-religious people do similar amounts of voluntary work<sup>5</sup>, recent academic research finds that the relationship between 'faith and voluntary action' is complex, and warns against policy-makers making simplistic assumptions about faith as a motivator for voluntary action<sup>6</sup>. Furthermore, many non-religious people are motivated to volunteer, yet many are prevented from doing so in areas in which they wish to volunteer by the increasingly discriminatory volunteering policies of some voluntary/charitable organisations. For example, Pecan, already funded by NOMS to provide services, will not accept any volunteers who do not openly claim to be practising, evangelical Christians.

3.6 Further, we are not convinced by the assertion that faith-based organisations 'are particularly well-placed' (p12) to provide links to local communities and so on, not least because the supporting evidence for the claim is from a seemingly biased source – a report from Faithworks, a strongly religious Christian advocacy organisation. No evidence has been provided to suggest that secular organisations, such as those working with minority and refugee communities, would not be equally well-placed to provide links with the local community. Indeed, they may be even better placed than a religious organisation, because even if 'religion occupies a central place in the culture and

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<sup>5</sup> See, for example, the Home Office Citizenship Survey 2001

<sup>6</sup> NCVO (2007) *Faith and voluntary action: an overview of current evidence and debates*. London: NCVO. P29-34

identity' (p12) of local BME communities, that may well not be true of many of the individuals within those communities, including those offenders who come from them. Certainly research by the NCVO argues that, 'it is unhelpful at best and damaging at worst to use faith communities as a synonym for 'Muslim' or 'BME' communities. **Policy-makers should recognise that the homogenising application of the term faith-based organisations actually disguises significant variation in resources, roles, attitudes and practices both within and between faith communities**'<sup>7</sup>. **We would therefore urge great caution before assuming that faith-based organisations offer the best route for offenders back into the local community.**

- 3.7 We are astonished that NOMS is consulting on ways to promote the contribution that faith-based organisations can make to re-offending, before it established any evidence to support such a policy – a policy which would inevitably increase the number and range of such interventions (and the organisations which provide them) in prisons and in the community. Indeed, the brief literature review that was carried out before this consultation was published not only found that there was 'no hard evidence' that such interventions have 'direct impact on reducing re-offending' (p13), the consultation paper itself states that there is a need to develop the evidence base on what actually works in this area.
- 3.8 We question again the motive behind treating faith-based organisations as 'distinctive' and 'different', particularly when it is stated that they 'share many of the same challenges and barriers to shaping and delivering public services faced by the third sector as a whole' (p14). If this is the case, how can there be justification for privileging such organisations over other, secular third sector organisations? If smaller minority religious organisations have especial difficulty in accessing funds, building capacity, having a regional presence and so on, then these problems are likely to be shared by most small community organisations. The very fact that this consultation has been published highlights the special attention and assistance that government is giving to religious organisations, not least to increase their role in the provision of public services – assistance such as specialist funding (p15) and producing specialist guidance on funding and commissioning faith-based organisations working with offenders (p23). This separatist treatment of 'faith' within the third sector is likely to be divisive and may even lead to a reduction in the quality of services provided. To reiterate the clear message in the consultation paper, there is no hard evidence nationally or internationally to suggest that faith-based interventions as such are of any measurable benefit to offender management.
- 3.9 Quite apart from anything else, the statistical evidence available makes clear that religious people do not have the monopoly on volunteering and other such good social works – they are certainly not 'distinctive' in

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<sup>7</sup> Ibid, p54

that sense (as p.25 of the consultation implies). For example, the Home Office 2001 Citizenship Survey found that the proportion of people who volunteered and had a religious affiliation is similar to the proportion of people who had no religious affiliation, and that this is true of both formal and informal volunteering. We would suggest that NOMS ensures that volunteers from the non-religious community are included in any efforts to attracting and engaging volunteers working in prisons or the community. The British Humanist Association, for example, has around 8000 members and supporters, many affiliated or supportive local groups nationally, and runs a growing network of local development volunteers, who are active in communities nationwide.

- 3.10 We are confused as to the rationale behind the aim of unpaid work done by offenders only benefiting 'faith communities' (p1, p11+p12). If offenders mostly offend in their local communities, surely this affects the whole community, and not just the local 'faith community', even if that offender also identifies with that faith. Besides, we object strongly to offenders' labour being devoted to religious causes. This is a very different matter from them being used for socially beneficial purposes: it is another privilege (cheap or free labour, etc) for sectional religious interests. It also raises questions of conscientious objection, if people of one belief or none are instructed to do work for a religion or belief other than their own. There is no sign that such questions have even been recognised, let alone addressed.

*Doubts over the concept of 'competitive neutrality'*

- 3.11 We strongly oppose not just in principle but for a number of practical reasons religious organisations being awarded contracts with and funding from NOMS. However, should they be considered for contracts, they must not be privileged over other third sector organisations simply because they have a religious ethos. **Moreover, any government assistance given to them to enable them to bid for contracts should be on an open and transparent basis, with no exclusive assistance to them that is not equally available to comparable secular organisations.**
- 3.12 **Any guidance developed by NOMS on commissioning faith-based organisations and/or on faith-based interventions must not be developed after exclusive consultation with religious groups and representatives. Consultation must encompass non-religious and indeed all interested parties. Any such guidance should include details of the exemptions from equality laws that (in the absence of new legislation) religious organisations enjoy that allow them to discriminate in the provision of goods, facilities and services and in employment, and make clear that they are not bound by the Human Rights Act 1998 even when working under contract. It should then, specify that the exemptions in equality legislation for religious organisations do not apply when working under contract but that contracted organisations should behave as if they were**

**bound by the Human Rights Act 1998; that proselytising or other religious pressures are not acceptable under any circumstances while providing a contracted service; that they must be open and inclusive and operate on a principle of non-discrimination on any ground.**

*The problems raised by the involvement of religious organisations are not being identified and tackled.*

- 3.13 Section 2 of the consultation paper examines the ways in which faith-based organisations are involved in prisons and probation at the moment which, includes working in partnerships helping to 'shape interventions'. This suggests that not only are increasing numbers of faith-based organisations working with offenders in prisons and in the community, but that religious groups and religious doctrine may have a direct influence on the justice system. We object strongly and unreservedly to this kind of influence and power. Given that this consultation is seeking ways to remove barriers to faith-based organisations being awarded contracts to manage offenders, we demand that the Government gives absolute assurances that religious beliefs, doctrine, superstition and so on can never influence the actual work of criminal justice. For example, it would be abhorrent should an offender be deemed to break the terms of her/his probation if s/he did not take part in a prayer session.
- 3.14 It is made clear in the consultation paper that many if not most of the religious organisations that NOMS wishes to commission either do not or are unlikely to have the capacity to provide services. For example, it is stated that. 'The international literature on faith-based projects within correctional systems shows that they are often poorly defined, lack access to management and development support, and find it hard to evaluate and demonstrate outcomes and consistency of service' (p18), while on page 13 it is admitted that there is no evidence of distinctiveness or effectiveness of service delivery in terms of outcomes. It is also noted specifically in a number of places in the report that faith-based organisations and 'faith communities' do not have the capacity or infrastructure to be able to bid for contracts, or deliver services. It is difficult to see why the response to this is to suggest yet more capacity building funding and other assistance, rather than acknowledging that it might be better to contract with organisations that do have the capacity.
- 3.15 We have a number of concerns regarding what will happen should 'faith-based' organisations be increasing commissioned by NOMS to provide services. This is because religious organisations have exemptions from equality laws, which allow them to discriminate on grounds of religion or belief and on sexual orientation in employment and to discriminate on grounds of religion or belief in the provision of goods, facilities and services. Such organisations are also not bound by the Human Rights Act 1998, and we consider there to be a risk that

they will breach the human rights of offenders and their families, such as the right to freedom of belief.

- 3.16 There are also legitimate concerns that public money will be used to fund religious activity and not solely for the service that organisations are commissioned to provide.
- 3.17 These concerns are detailed fully and extensively in our report 'Quality and Equality', which we have included with this submission. **We recommend that the recommendations of 'Quality and Equality' be followed up by NOMS.**

#### *'Diversity'*

- 3.18 **Any guidance on funding and commissioning faith-based organisations should ensure that they have an open attitude to those with no religious beliefs**, not just 'an open attitude to other sections of their own faith and to other faiths' (p28).
- 3.19 When increasing diversity in partnerships with the third sector, it is very important to not to exclude but to include non-religious organisations, who can offer particular perspectives. NOMS' promotion of inter-faith councils, particularly at the local level, as a mechanism for consultation (p28) is another barrier to the aim of increasing diversity, given their exclusion both in principle and in practice of the non-religious.

#### *Funding and Commissioning*

- 3.20 Despite international evidence that faith-based organisations working with offenders find it difficult to demonstrate outcomes (p18), to demonstrate outcomes will be part of the necessary requirements for organisations wishing to secure funding to deliver services. Again, **we would urge NOMS to carry out the necessary research to provide evidence in general that faith-based interventions are equally successful as secular, professional ones, and to be able to compare outcomes between religious and secular providers objectively.**
- 3.21 Another stated requirement for those wishing to secure funding is that organisations must be able to prove that they have in place 'robust equal opportunities policies and practices' (p18). **We agree with this in principle and in practice, and this must also include stipulations not to discriminate on religious grounds.**
- 3.22 Further, we are confused as to how a 'robust' equal opportunities policy does not have to extend to the employment practices of the organisation. For example, Pecan, which is presented as a case study on page 17 of the consultation, has a highly discriminatory employment policy. This evangelical Christian charity, currently working in partnership with several government departments and agencies to

deliver its WorkOut project, makes clear in its equal opportunities policy is clear that they are committed to non-discrimination on any grounds in terms of their service users. However, the same policy states that, 'There is a Genuine Occupational Requirement exemption applied to employees to maintain Pecan's Christian distinctiveness to serve the aims and objectives of the charity'<sup>8</sup>. Further, Pecan states that, 'We are an evangelical organisation, and to retain our spiritual vision and unique approach we feel it is essential that all Board Members, employees, and volunteers be in agreement with our fundamental beliefs' and that signing a contract with them is taken as indication of assent to the Evangelical Alliance Basis of Faith doctrine<sup>9</sup>. To reiterate, this organisation (like many others), which receives state funding and is contracted to provide some vital public services on behalf of the state, discriminates on the grounds of religion or belief for every position – members, volunteers and paid employees must be 'active' evangelical Christians.

**3.23 We would like NOMS to clarify what is meant by 'robust' equal opportunities policies and practices, and why this does not cover employment, allowing religious groups to discriminate on grounds of religion or belief and on sexual orientation, even when working under contract to provide a service on its behalf.**

3.24 Even if contracts stipulate that funding cannot be used for proselytising, it is difficult to see how this can be strictly monitored, particularly in a closed environment such as a prison or a juvenile detention centre where the audience are unable to exit the situation. As the consultation paper itself states, clearly defining provision and separating roles is complex, particularly where the service contains a 'faith element' (p16). If proselytising does occur the organisation should be debarred from further work for NOMS for being in breach of their contract. However, when a religious organisation is working under contract to provide a service, it is of course not just proselytising that can be a problem. If a service is to be inclusive, and not provided exclusively for offenders who profess a particular religious belief, then that service should be delivered in an open manner, with no proselytising, a respect for the human rights and equality of the service users, with no acts of worship and with no harassment i.e. unwarranted behaviour that can alienate people. However, the more religious organisations have a role in providing public services, the more religious their activity is likely to be, and we contend that even contractual safeguards against such activities may not be sufficient to protect those accessing services from religious groups and organisations (see 'Quality and Equality' for more details).

3.25 If any organisation when working under contract to provide a service cannot or does not wish to abide by the same principles of non-

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<sup>8</sup> Pecan (undated) 'Equal Opportunities'. <http://tinyurl.com/2xb4y7>, accessed 24/10/2007

<sup>9</sup> Pecan (undated) 'Basis of Faith'. <http://tinyurl.com/236vd2>, accessed 24/10/2007

discrimination, equality and respect for human rights that public authorities must, then that organisation should not contest for such contracts (p17). If a religious organisation is concerned that to operate in an essentially secular manner would subvert its religious ethos, then it does not have to contest for a contract or accept public funding to provide a service. **If such an organisation is unable to separate its religious and service provision roles, then it should not be seen as suitable to provide services on behalf of the state.**

*Faith is used where 'religion or belief' should be used.*

- 3.26 This consultation is focused totally on 'faith', to the exclusion of non-religious organisations. To privilege 'faith-based' organisations through giving them special assistance and focus is to disadvantage other, secular organisations within the Voluntary and Community Sector (VCS), which may risk the provision of the best services for reducing re-offending.
- 3.27 The 'religion or belief' equality strand includes the religious and non-religious equally, but it is evident that in this consultation non-religious belief has not been taken into account at all, let alone been treated equally with the religion component. This discrimination against the non-religious is completely unacceptable. We are confident that the courts would consider this unlawful under section 6 of the Human Rights Act.
- 3.28 We believe that a policy to increase the scope and influence of religious organisations and 'faith-based interventions' in prisons will lead to increasing disadvantage for those who will not profess a religious faith. Given that the non-religious are already discriminated against in prisons<sup>10</sup>, it seems unlikely that non-religious offenders would have equal access to the same resources and opportunities as those who profess a 'faith' or, indeed, those who are converted while in prison.
- 3.29 Although it is not clear why it is that engagement with religious groups in particular should be seen as necessary for helping to shape services even if they are not involved in providing services (p16), any legitimate structures that do serve this function should not be exclusive to *religious* groups. It is not faith communities but *religion or belief* communities that can play a part in our society and shaping services – indeed the British Humanist Association received a grant (though tiny in comparison to that given to religious groups) to develop its own regional networks and communication channels. We contend that it is unhelpful to single out faith groups for consultation in the development of offender management services.

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<sup>10</sup> The Home Office / Ministry of Justice / Prison Service have continued to refuse to fund humanist chaplains in prisons, who are needed to address the spiritual needs etc of prisoners and their families, while increasing multi-faith chaplaincies are funded by the taxpayer.

- 3.30 The same exclusive thinking is found in the consultation as it refers to 'engagement' (p24). We express our disappointment again that NOMS and the YJB continue to look at the issues facing faith communities, such as lack of resourcing, rather than at the issues facing religion or belief communities.
- 3.31 We consider the specific inclusion of the 'needs' of faith-based organisations as an 'integral' (p20) to both the NOMS and the Ministry of Justice third sector plans as discriminatory. **If there is to be specific consideration of the barriers faced by faith-based organisations, then there should be equally specific consideration to the barriers faced by religion or belief organisations, which would include both religious and non-religious organisations. But again we question the need to treat religion or belief-based organisations separately and give their 'needs' especial consideration, as a distinct part of the sector, which inevitably puts at risk the secular nature of criminal justice.**
- 3.32 A number of initiatives are presented in the consultation paper (e.g. p21) which describe how 'faith representatives' specifically have been invited for consultation by YJB teams. Consulting with religious groups but failing to consult with non-religious groups is effectively unlawful discrimination against the non-religious, who should be treated equally as part of the 'religion or belief' equality strand. We make the point that the BHA is the principal organisation representing the interests of the non-religious in the UK and yet was not invited to be part in any NOMS consultation as a stakeholder representing interests of the non-religious within the community.

*'Faith based' initiatives are not desired by or relevant to most of the prison population.*

- 3.33 We are concerned by the assertion that some 'needs...can only be met or are best met by faith-based organisations' (p9). Faith-based organisations may provide time and guidance for specifically religious activities, such as praying, but there is no evidence that aside from such activities they are unique in their contribution to addressing the needs of offenders. In any case, Government commissions to external organisations to provide services on its behalf should be limited to matters within its proper remit, and activities such as bible study and prayer do not fall within that remit.
- 3.34 There is no discussion or any evidence given that an increase in 'faith-based' interventions in their programmes both in prison and in the community is desired by offenders or their families. In fact, one of the most notable characteristics about the UK prison population is that the number of inmates with 'no religion' consistently outstrips growth

among any other group in each year'<sup>11</sup> and now, as broadly proportionate to the general population, those with 'no religion' account for the largest religion and belief group<sup>12</sup>.

- 3.35 Despite a move towards 'multi-faith' working, such as in prison chaplaincy (which excludes those with non-religious beliefs who make up the largest and fastest growing group in the prison population), and the idea of contracting out offender management provision to various religious organisations, we believe that discussions regarding the growing religious diversity in prisons are misplaced. In fact, these discussions are 'almost entirely about the disproportionate expansion of the Muslim category'<sup>13</sup>, and not, therefore, about the growing religiosity and/or diversity in religious beliefs amongst prisoners.

*Distinctive needs of the non-religious are not being considered in parallel to the way that the perceived needs of the religious are being treated.*

- 3.36 Multi-faith chaplaincy teams (p7) are a good example of the way that non-religious offenders in prisons may be discriminated against while those professing a religious faith may be privileged. Multi-faith chaplaincy teams, funded by the state, exclude humanist chaplains. In practice this means that those offenders in prison with no religion (the single largest 'belief' group in prisons) have no recourse to the spiritual and pastoral care from a suitable chaplain that other prisoners are likely to have, even if they belong to a small minority religious group within the prison population. In addition to this, are those who do not profess to have a religious faith able to take up the range of services and courses offered by multi-faith chaplaincy teams? And if they are open to all, are they delivered in an inclusive way with no harassment?

- 3.37 **We recommend that HMPS Chaplaincy ensures that it includes humanist chaplains, to address the spiritual and pastoral needs of non-religious prisoners and offers support and assistance to non-religious volunteers as it does with religious volunteers. We also recommend that Chaplaincy offers equal services to non-religious offenders as are available to religious offenders, such as strengthened links with the local community to support 'through the gate work' (p26).**

- 3.38 The discussion of the 'needs' of offenders 'of faith' (p9) also highlights the privilege given to those offenders. If it is 'right that they are able to express and practice (sic) their faith within a prison, and have access to spiritual care and support including as part of a rehabilitative journey into custody and beyond' (p9), then surely it is also right that non-

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<sup>11</sup> Guessous, F., Hooper, N. and Moorthy, U. (2001) *Religion in Prisons 1999 and 2000 15/01 England and Wales*. London: Home Office

<sup>12</sup> Home Office (2006) *Statistical Bulletin. Offender Management Caseload Statistics 2005. 18/06*. London: Home Office

<sup>13</sup> Beckford, J. and Gillat, S. (1998) *Religion in Prison: 'Equal Rites' in a Multi-Faith Society*. Cambridge: Cambridge University Press

religious prisoners have the same access. It is not clear from the consultation paper that this happens – that similar support and provision that is available to religious prisoners is equally available to non-religious prisoners. Equality law is quite clear (see for example the Human Rights Act 1998 and Part Two of the Equality Act 2006) that people with religious beliefs and people with non-religious beliefs, such as Humanism, should be seen and treated equally, and conversely that none should be disadvantaged because of her/his beliefs or lack of beliefs. If, as is described in the consultation paper, this extra support for religious offenders is provided through multi-faith chaplaincy teams and faith-based organisations, then it seems likely that non-religious offenders do not currently have access to such support. **If this sort of support expands following this consultation, we would like assurances from NOMS that non-religious prisoners will have access to similar resources and support through, for example, humanist chaplaincy.**

#### **4. Conclusions**

- 4.1 This consultation is a step towards increasing the number, scope and influence of faith-based organisations and faith-based interventions in the management of adult and youth offenders in prisons and in the community without first establishing any evidence that this will have an impact on re-offending and without making the case that this is necessary or desirable.
- 4.2 It ignores and is in breach of the Government's duty under its own Humans Rights Act 1998 to be even-handed as between the religious and non-religious.
- 4.3 Through this consultation paper itself and its desired outcomes, non-religious offenders and secular organisations working with offenders are and will be disadvantaged compared with religious offenders and the religious organisations that work with them.
- 4.4 We believe that NOMS has not addressed many of the practical issues related to funding and contracting to religious organisations to provide offender management services, including risks of discrimination and harassment against service users, the lack of human rights protection for service users and the risk of discrimination in employment.

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