



PORT ALFRED  
HIGH SCHOOL

# Religious Policy

## **1. INTRODUCTION**

In terms of section 15(2) of the South African Constitution 108 of 1996 (“the Constitution”) and section 7 of the South African Schools Act 84 of 1996 (“SASA”), religious observances may be conducted at a public school. Such observances must take place in terms of rules issued by the School Governing Body (“SGB”), must be conducted on an equitable basis, and attendance by learners and members of staff must be free and voluntary.

In terms of section 19 of the Eastern Cape Schools Education Act 1 of 1999, a religious policy of a public school shall be determined by the SGB after consultation with the Eastern Cape Department of Education (“Department”). Such a religious policy is subject to the approval of the Member of the Executive Council (“MEC”) responsible for Education in the Province.

The SGB of PORT ALFRED HIGH SCHOOL (“PAHS”) has accordingly constituted the following as the Religious Policy of PAHS, after consultation with both parents and the Department, and having obtained the MEC’s approval.

## **2. PURPOSE**

This Religious Policy sets out the policy principles and rules for religious observances at PAHS, a public school where, currently, approximately 90% of learners identify as Christian and approximately 10% as other.

As a public school, PAHS does not promote, or allow its staff to promote, adherence to only one, or predominantly only one, religion and/or religious ethos to the exclusion of others. Neither does PAHS hold out that it promotes the interests of any one religion in favour of others. To this end, PAHS welcomes all learners and members of staff of whatever faith (or no faith), seeks to affirm the religious diversity of all its learners and members of staff, and also to reasonably accommodate their religious beliefs in the context of the school as an institution of learning (rather than a religious institution).

The aims of this Religious Policy are to:

- Foster an environment where the constitutional right to religious freedom (including the expression of such belief through speech and other external manifestation) of learners and members of staff of whatever faith, is respected;
- Provide for religious observances at PAHS on a free, voluntary and equitable basis; and
- Set out the rules and procedures for religious observances on PAHS property.

## **3. SCOPE**

This policy applies to all learners and staff of Port Alfred High School.

## **4. LEGISLATIVE FRAMEWORK**

The SGB has constituted this Religious Policy in the belief that its provisions are consistent with the relevant (international and domestic) legal obligations incumbent upon the school. The following forms the legal framework within which this Religious Policy was developed:

International legal instruments which are binding upon South Africa:

The International Covenant on Civil and Political Rights;

The African Charter on the Rights and Welfare of the Child (“the Banjul Charter”);

The Convention on the Rights of the Child; and

The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Domestic legal instruments:

The Constitution of the Republic of South Africa, 108 of 1996;

The South African Schools Act, 84 of 1996 (“SASA”);

The National Education Policy Act, 27 of 1996 (“NEPA”);  
The Promotion of Administrative Justice Act, Act 3 of 2000 (“PAJA”);  
The Eastern Cape Schools Education Act, Act 1 of 1999;  
The National Guidelines on School Uniforms ; and  
The National Policy on Religion and Education .

Finally, the SGB has also constituted this Religious Policy in the belief that its provisions are compliant with the South African Charter of Religious Rights and Freedoms (“the Charter”).

## **5. STREET AND POSTAL ADDRESS OF SCHOOL**

27 Park Avenue, Port Alfred, 6170, South Africa

## **6. POLICY PRINCIPLES**

- 6.1 To respect religious freedom:  
Public schools have a constitutional obligation to respect and protect the constitutional right to freedom of conscience, religion, thought, belief, and opinion (section 15 of the Constitution) of all learners and members of staff, of whatever faith or no faith at all. Our Constitutional Court has held that the right to religious freedom includes the right to entertain such religious beliefs one chooses, the right to declare these religious beliefs openly without fear of hindrance or reprisal, and the right to externally manifest such religious belief by worship and practice, or by teaching and dissemination.

To this end, it is expressly recorded that PAHS, as a public school:  
cannot, and does not, endorse one particular religion and/or religious ethos to the exclusion of others: welcomes all learners and members of staff of whatever faith or no faith at all, and no learner will be excluded from admission to the school (and no prospective member of staff will be excluded from appointment) on grounds of their religion; and seeks to be an environment where all learners and members of staff are able to observe and manifest their religious convictions and beliefs, as far as reasonably possible. (To this end, PAHS may ask learners and/or staff members to, voluntarily and confidentially, disclose which religion they identify with in order to ensure that this Religious Policy continues to be fair and equitable in the practical application thereof.)

- 6.2 Public schools have a constitutional obligation to respect and protect the constitutional right to dignity (section 10 of the Constitution) of all learners and staff members of whatever faith or no faith at all. Our Constitutional Court has held that religious beliefs and practices are a key ingredient of any person’s dignity.

To this end, PAHS seeks to be an environment where all learners and staff members are free to live out and externally manifest their religion, which is central to their identity and hence to their dignity, as far as reasonably possible.

- 6.3 Public schools have a constitutional obligation to respect and protect the constitutional right to equality (section 9 of the Constitution) of all learners and staff members of whatever faith or no faith at all. Our Constitutional Court has held that religious beliefs and practices are central to the right to equality.

To this end, PAHS seeks to show equal concern and respect to all learners and staff members irrespective of their religious beliefs and will endeavour to ensure that all religious observances take place on an equitable basis.

- 6.4 South Africa is a diverse nation with many languages, cultures and religions etc. where difference should not be the basis for (direct or indirect) exclusion, marginalisation and stigma.

It is the policy of PAHS not to unfairly discriminate against any learners and/or staff members based on their conscience, religion, thought, belief and opinions. This means no distinction, exclusion, restriction or preference based on religion or belief, which has as its purpose or as its effect, the nullification or impairment of the right to freedom of conscience, religion, thought, belief and opinion will be allowed.

To this end, as a public school, PAHS aims to develop a culture of respect for our country's diverse cultural and religious traditions amongst learners and staff members, where all are equally free to exercise and enjoy their right to religious freedom.

## **7. CLASSIFICATION OF RELIGIOUS INSTRUCTION, EDUCATION AND OBSERVANCES:**

### **7.1 Religious instruction:**

Religious instruction is defined as instruction in a particular faith or belief, with a view to the inculcation of adherence to that faith or belief. In terms of the law, religious instruction is not (and may not be) part of the formal school programme at public schools.

As a public school, PAHS will not include religious instruction as part of the formal school programme. However, PAHS may choose to allow the use of its facilities for programmes or events provided by clergy (or other persons accredited by faith communities), provided that: such religious instruction programmes or events occur before or after school, or during break time, so as not to interrupt and/or detract from the core educational purposes of PAHS. opportunities for such religious instruction programmes or events are afforded in an equitable manner to all religious bodies represented in a school. no denigration or caricaturing of any other religion take place; and attendance at such religious instruction programmes or events is free and voluntary.

Clergy (or other persons accredited by faith communities) who wish to hold religious instruction classes on PAHS property, must formally apply to the SGB to do so as per Rule 7 of this Religious Policy.

### **7.2 Religion education:**

Religion education is defined as a curricular programme with clear and age-appropriate educational aims and objectives, for teaching and learning about religion, religions, and religious diversity in South Africa and the world, and is part of the formal school programme. It must include teaching and learning about the religions of the world, with particular attention to the religions of South Africa, as well as worldviews, and must place adequate emphasis on values and moral education.

As a public school, PAHS follows the CAPS curriculum which caters for religious education in the form of the subject called "Religion Studies". In teaching this subject, PAHS will endeavour to explain what religions are about, with clear educational goals and objectives, in ways that increase understanding, build respect for diversity, value spirituality, and clarify the religious and non-religious sources of moral values.

### **7.3 Religious observances:**

Religious observances are defined as all external manifestations of a religion. The National Policy on Religion and Education advocates for a broad-based range of religious activities in the school environment.

To this end, this Religious Policy sets out the following rules for such religious observances to ensure that they are free and voluntary and take place on an equitable basis. This Religious Policy also sets out the application process for clergy (or other persons accredited by faith communities) who wish to hold such religious instruction classes on PAHS property.

## 8. RULES:

### 8.1 Rule 1:

Provision for holy days:

PAHS will make provision for important holy days in the setting of examinations and test timetables, to ensure that learners and/or staff members are not prejudiced by their attendance at religious observances.

### 8.1 Rule 2:

“Release time” for religious observances or religious instruction:

Should a learner require that he/she be released from school to attend a religious observance outside the school property, this should be communicated to PAHS through a letter from the learner’s parents and/or legal guardian formally requesting such “release time”. PAHS will consider the possibility of such a “release time”, but in each case provision must be made to catch up any loss of teaching and learning time

### 8.2 Rule 3:

Religious dress:

Religious dress will be reasonably accommodated as far as possible, subject to a written request from a learner’s parents and/or legal guardian to do so. It is expressly stated that such religious dress must adhere to PAHS’ uniform policy as far as reasonably possible.

### 8.3 Rule 4:

Free & voluntary:

In accordance with the law, PAHS requires that all religious observances (such as prayer, worship, reading from holy texts etc.) that take place on school property, are free and voluntary. No learner and/or member of staff may be coerced (either directly and/or indirectly) to attend a religious observance. No learner and/or member of staff may be made (either directly or indirectly) to feel stigmatised if they do not attend a religious observance.

To mitigate the impact of peer pressure on children, all religious observances held at PAHS must:

- take place outside of formal learning time in classrooms – i.e. before a class starts, or after a class finishes; and
- expressly communicate that attendance is free and voluntary.

To illustrate this point by way of example: if Christian learners wish to have a prayer time in the classroom at the start of the day, they are allowed to do so, provided that such prayer time is expressly communicated as being free and voluntary and takes place before school / class officially starts. This is so that learners of other faiths (or no faith at all) may choose to only arrive in the classroom after prayer, and not feel indirectly pressured to participate.

### 8.4 Rule 5:

Religious observances during Assembly:

Religious observances (such as prayer, worship, reading from holy texts etc.) may be part of PAHS’ school assembly , on condition that South Africa’s multi-religious nature is accommodated and reflected in an appropriate manner.

Where the overwhelming majority of the school body identifies with a particular religion (as in the present context, where 90% of PAHS’ learners identify as Christian), the separation of learners according to religion has been identified as the most practical means of achieving equity. For practical purposes, and given that the main school hall is the largest facility at the school, the religious observance for Christian learners and/or staff members will take place there. For Muslim learners and/or staff members, the religious observance component will take place in a separate classroom. (On request, similar arrangements can be made for learners and/or staff members of other faiths).

The religious observance component of the school assembly is allocated 15 minutes at most. After the conclusion of these 15 minutes, all learners and staff will gather in the main school hall and “assembly proper” will start.

Learners and/or staff members who do not wish to attend the religious observance component, will be excused on grounds of conscience and a (supervised, in the case of learners only) classroom will be made available to them during the 15 minutes allocated.

8.5 Rule 6:  
Who is allowed to lead religious observances:

Any learner, member of staff or external visitor may lead a religious observance.

In the case of an external visitor (e.g. a religious leader, youth group etc.), while a learner and/or staff member may invite such a visitor, such a visitor must still request (in writing to the SGB) that they be allowed to conduct a (or any part of a) religious observance on PAHS property. Such request must set out clearly:

- Who the visitor is and what their aims are; and
- What the religious observance entails in terms of time, place, activities etc.

External visitors should also be provided with a copy of this Religious Policy and must agree thereto in writing prior to them conducting any (or any part of a) religious observance.

8.6 Rule 7:  
Religious Instruction:

Clergy (or other persons accredited by faith communities) who wish to conduct religious instruction classes, programmes or events (including Sunday services) on PAHS property, must request to do so in writing to the SGB. Such request must set out clearly:

- The name of the clergy / person;
- The person's accreditation;
- Which faith they represent;
- Which denomination, church, ministry, organisation etc. they represent;
- What the religious instruction classes entail in terms of time, place, activities, etc;
- The proposed nature, scope and content of the religious instruction class, programme or event.

Such clergy (or other persons accredited by faith communities) must also agree in writing to adhere to this Religious Policy.

8.7 Rule 8:  
Indoctrination and coercion:  
No indoctrination or coercion of any learner and/or member of staff to adopt and/or adhere to a particular belief or religion shall be permitted at PAHS.

8.8 Rule 9:  
Denigration or caricaturing:  
No denigration or caricaturing of any other religion shall be permitted at PAHS.

## 9. POLICY REVIEW

This Policy shall be reviewed from time to time, as necessary and with due regard to the religious demographic of the school.

## 10. REFERENCES

- See also the judgment of the Johannesburg High Court in *OGOD v Laerskool Randhart and Others* (2017).
- To do so, would be contrary to SASA, as per *OGOD v Laerskool Randhart and Others* at para 102.
- The Guidelines are not binding law but may carry persuasive value with a Court of law.
- This Policy is not binding law, serving only to establish broad parameters within which schools could work out their own approach as per *OGOD v Laerskool Randhart and Others* at para 52 – and as such, may carry persuasive value with a Court of law.
- *S v Lawrence & Others v The State & Another* 1997 (4) SA 1176 (CC) at para 92.
- Neither the Constitution, nor SASA, confers on a public school or SGB the right to adopt the ethos of one single religion to the exclusion of others, as per *OGOD v Laerskool Randhart and Others* at para 91.
- Such request may be made in admission forms for learners and/or application forms for prospective staff members.
- *Christian Education South Africa v Minister of Education* 2000 (4) SA 757 (CC) at para 36; *MEC for Education: Kwazulu-Natal and Others v Pillay* 2008 (1) SA 474 (CC) at para 62.
- *MEC for Education: Kwazulu-Natal and Others v Pillay* 2008 (1) SA 474 (CC) at para 62.
- *S v Lawrence & Others v The State & Another* at para 122 defines “equitable basis” as meaning to “act even-handedly in relation to different religions”.
- Article 2 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.
- National Policy on Religion and Education page 20 at para 54.
- National Policy on Religion and Education page 20 at para 55.
- National Policy on Religion and Education page 21 at para 57.
- National Policy on Religion and Education page 21 at para 57.
- National Policy on Religion and Education page 21 at para 57.
- National Policy on Religion and Education page 9 at para 17.
- National Policy on Religion and Education page 9 at para 19.
- National Policy on Religion and Education page 10 at para 22.
- *GOD v Laerskool Randhart and Others* at para 65.
- As required by section 15(2) of the Constitution.
- National Policy on Religion and Education page 21 at para 56.
- National Policy on Religion and Education page 21 at para 56.
- National Guidelines on School Uniforms at para 29.
- National Policy on Religion and Education page 22 at para 61.
- National Policy on Religion and Education page 22 at para 61.
- National Policy on Religion and Education page 22 at para 62.
- National Policy on Religion and Education page 23 at para 63.