

Religious policy

Melkbosstrand HS

This document is the religious policy of and rules for religious observances at **Melkbosstrand HS**, as approved by the governing body. The religious policy and rules acknowledge the fundamental values entrenched in the Constitution of the Republic of South Africa, 1996; the applicable provisions of the South African Schools Act 84 of 1996 (“Schools Act”), and the provincial legislation applicable to this school.

Section 15(1) of the Constitution provides that every person has the right to freedom of conscience, religion, thought, belief and opinion.

Furthermore, section 15(2) provides that religious observances by state or state-aided institutions may be conducted, provided that:

- (a) such observances adhere to the rules stipulated by the relevant public authority;
- (b) they are conducted equitably; and
- (c) attendance is free and voluntary.

Melkbosstrand HS acknowledges that (a) the abovementioned rights are not absolute and may be restricted by section 36 of the Constitution, and (b) such rights are indeed restricted by a court order that declared it in violation of section 7 of the Schools Act for a public school to (i) promote or allow its staff to promote the school as adhering to a

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single or predominantly a single religion to the exclusion of others, and (ii) hold out that it promotes the interests of any one religion over others.¹

The school further acknowledges that judges of the highest court of the land stated as follows:

- “[F]or equitable offerings ... education authorities [should] ... allow schools to offer the prayers that may be most appropriate for a particular school, to have that decision taken in an equitable manner applicable to all schools, and to oblige them to do so in a way which does not give rise to indirect coercion of the ‘non-believers’ ...
- Requiring that government act even-handedly does not demand a commitment to a scrupulous secularism, or a commitment to complete neutrality ... [F]or example, in the context of religious observances at local schools, the requirement of equity may dictate that the religious observances held should reflect, if possible, the religious beliefs of that particular community or group.”

Although the National Religion Policy is non-binding, the school has taken account of its content in formulating this school-specific policy and rules.

Section 7 of the Schools Act vests the governing body with the power to determine the rules in terms of which religious observances must be conducted. This power is subject to the Constitution and any other applicable provincial legislation. Religious observances must be conducted on an equitable basis and attended freely and voluntarily by educators and learners.

¹ *Organisasie vir Godsdienste-onderrig en Demokrasie v Laerskool Randhart and others* (Gauteng High Court case no. 29847/14).

Based on the above, the governing body of **Melkbosstrand HS** has drafted this religious policy and rules with due regard to the religious composition of the school and the practicability of catering for multiple faith communities.

The school welcomes all learners, irrespective of their individual religious beliefs, and will endeavour to create opportunities for the observance of such beliefs at all reasonable times, whether as a group or on an individual basis, such as dietary requirements or attending religious observances away from school.

Melkbosstrand HS undertakes to ensure that each representative religion at the school is dealt with on an equitable basis, and to ensure the promotion of religious diversity.

Definitions

‘Religion’ refers to the comprehensive and fundamental orientations in the world, with specific reference to sacred, spiritual and non-secular beliefs; requires dedication; includes organised forms of faith and certain world views, and is collectively used to refer to those organisations that have been established in order to protect and promote these beliefs.

‘Religion education’ refers to a curricular programme with clear and age-related educational objectives that the Department of Education prescribes for the teaching and learning of religion, religions and religious diversity in South Africa and the world. The study of religion must be aimed at achieving identifiable educational objectives that are in accordance with the objectives and outcomes of other learning areas, and, as with other learning areas in the curriculum, programmes in Religion Education must contribute to the development of fundamental observation, listening, reading, writing and reasoning skills.

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‘Religious instruction’ refers to a programme consisting of information with regard to a specific religion, aimed at promoting adherence to that specific religion. The governing body regards the family and the faith community as the primary providers of religious instruction. The school is an educational institution that does not promote one religion over another, and therefore, religious instruction does not form part of its formal programme. However, the school will make its facilities available for such programmes, provided that religious instruction does not interfere with the school’s formal educational objectives.

‘Religious observances’ refer to those activities or actions that give expression to the values of a particular faith or belief, and *inter alia* include prayer meetings, reading from sacred texts, dress and diets. Religious observances may be conducted in the following ways:

- Voluntary, public events where the school’s facilities are used for the purpose of religious observances
- Voluntary events (during school time) by the school community (learners and educators)
- Voluntary events during normal and other break times at school

Religious observances

As the school acknowledges and respects the values entrenched in the Bill of Rights, the governing body ensures that the observance of all religions is respected and accommodated on an equitable basis where reasonably practicable.

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Educators and learners will be able to attend organised religious observances at school freely and voluntarily. The school will in no way compel educators or learners to participate in religious activities. Alternative arrangements will be made for the supervision of those learners who do not wish to attend any religious observances offered to religious groupings.

Religion education will take place in accordance with the National Policy on Religion and Education. This education forms part of the learning area Life Orientation. The school takes note that the curriculum exposes its learners to all the major religions prevalent in South Africa.

No educator will be forced to provide religion education.

Melkbosstrand HS will make available its facilities for religious observances by any representative faith group in the school. Such observances may be conducted only while other religious observances are conducted in accordance with the religious policy. No religious observance may infringe upon the school's formal educational objectives, and all are subject to the conditions that the governing body may impose.

The school will promote and enhance understanding of and respect for religious diversity as far as reasonably practicable.

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Participation and complaints

The governing body invites all learners and their parents to consult with the school principal or the governing body if no provision is made for the observance of their specific religious beliefs in the school. The school governing body will as far as practicable provide facilities and opportunities for the observance of these religious practices equal to those provided to other religions at the school. The establishment of such opportunities will take place in conjunction with those learners, parents and the religious communities to which they belong.

If any teacher, learner and/or parent has a conscientious objection against the observance of certain religious practices in the school, or feel that participation in certain practices is not voluntary, they are requested to bring this to the governing body's attention.

Signed at Melkbosstrand on this 07th day of



Governing body chair

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