

HSS Response to Standards for Spiritual Care, Religion and Belief in Prison.

About HSS

Humanist Society Scotland seeks to represent the views of people in Scotland who wish to lead ethical and fulfilling lives guided by reason, empathy and compassion. We provide a range of non-religious ceremonies and campaign for a secular state. HSS has over 14,000 members across Scotland.

About Humanism

As long as there have been groups of human beings living together, there have been humanists. Humanists are people who trust science and rational inquiry to help explain the universe around us, and who do not resort to supernatural explanations. Humanism is a belief system which puts human happiness and flourishing at its heart, and promotes cooperation towards a shared common goal.

People who share the values of science and rational enquiry, and who seek to live an ethical and fulfilling life based on reason and compassion are humanists. Humanist Society Scotland works on behalf of humanists living in Scotland to promote humanist thinking, building networks of humanists across the country and influencing public policy.

Humanism has a long and varied history, but today humanists share the core values which were agreed in the [2002 Amsterdam Declaration](#) of the International Humanist and Ethical Union.

We believe that legislation around appointment of prison chaplains (Prisons (Scotland) Act 1989 S. 9) is fundamentally discriminatory.

Article 9 of the European Convention on Human Rights, as embodied in the Human Rights Act 1998, sets out the following justiciable rights:

“Freedom of thought, conscience and religion

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in

community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others."

Under the Equality Act 2010 (Ch. 15, P.2, Ch. 1, S. 10 (2)) "Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief."

Humanist Society Scotland is currently reviewing its strategic approach to the provision of Chaplaincy services. We are currently working with partners in the National Health Service, Higher and Further Education sector and hope to engage with colleagues in the Scottish Prison Service to develop a division of Humanist Chaplaincy which help provide pastoral support and care for Humanists and non-religious people in Scotland.

We welcome the opportunity to respond to these documents.

1. Do they feel discriminatory in any way given the protected characteristics?

Yes. The general approach of the documents gives special status to the characteristics of religion and religious organisations, over those of belief groups such as humanists. The explicit use of the term 'spiritual care' over, and non including 'pastoral care' is not inclusive of non-religious people, many of whom wouldn't identify with or use the term. A more inclusive approach would be to use both terms.

2. Do they advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it?

More consideration should be given to ways that non-religious beliefs, such as Humanism, could be included. The current legislation around appointment of Prison Chaplains discriminates directly against Humanists and other non-religious people, the documents could be adapted to indicate what, if any, commitments the SPS has towards the inclusion of non-religious beliefs.

3. Do they foster good relations between people who share a relevant protected characteristic and people who do not share it?

Detailed comments on *Standards for Spiritual Care, Religion and Belief*:

Section	Edits	Comments
3.4.4.2		As per the commentary above, many Humanists and other non-religious people will not recognise the definition of 'spiritual' that is used in this document. Whilst some attempt has been made to explain that 'spiritual care' is implied to also mean 'pastoral care', it would be beneficial to refer to 'spiritual and pastoral care' throughout the document(s)/
3.4.4.3	add "and belief groups" after "religious organisations"	
3.4.4.4 c.	add "and belief groups" after "Faith Communities"	
3.4.4.5		the guidance states that 'A prison must record a prisoner's religion or belief on admission.' <i>To what extent are the views and beliefs of non-religious people recorded? Are SPS staff aware of Humanist beliefs? Or do they simply record non-religious responses as 'none'?</i>
3.4.4.6		whilst Humanists, and other non-religious people, do not take part in 'communal worship', we believe that equal and fair consideration be given to the need for Humanists and other non-religious people to take part in meaningful and worthwhile community activities.
3.4.4.7		Humanists do not 'bear witness to their... Belief'. This section needs rewording.
3.4.4.8 b.	add "and beliefs" after "other religions"	
3.4.4.8 c.	add "or belief" after "may	

	require ongoing input from a religious”	
3.4.4.9 c.	add “or belief” after “for the relevant religion”	

Comments on *SPS Strategy Framework*:

Section	Edits	Comments
Vision, point 8		The use of the term ‘spiritual care’ is unhelpful. A more inclusive term would be to use ‘pastoral care’ instead or as well as.
Goals and Outcomes, point 3		This point look like it’s alluding to an idea that ‘an awareness of spirituality and the beliefs a person has’ has positive effects on mental health. There is no evidence cited for this claim.
Foundation, point 1	add “or belief” after “religious requirements”	
Foundation, point 3	add “or belief” after “religion”	
Foundation, point 4		<i>This point makes no mention of Humanist Chaplains, are they to be excluded?</i>
Foundation, point 5	add “or belief” after “religious”	
Foundation, point 9	add “or belief” after “religion”	