

Legal Guidance about RE

With regard to Religious Education, primary legislation from 1944 to 1993 has been consolidated by The Education Act (1996) and the School Standards and Framework Act (1998). The legal requirements are that:

1. Religious Education must be provided for all registered pupils in full time education except those withdrawn at the request of their parents (S352 (1) (a)).

The law relating to RE for pupils who are not yet in Key Stage One is different from that relating to subjects of the National Curriculum. As RE must be taught to 'all registered pupils at the school', it includes pupils in reception classes, but not those in nursery classes or play groups.

By the same law, RE must be provided for all students in school sixth forms (but not those in Sixth Form Colleges, which must provide RE for all students who wish to receive it).

Special schools must comply with this requirement by ensuring that every pupil receives religious education as far as is practicable.

2. Religious Education must be taught in accordance with an Agreed Syllabus in:

- Community schools.
- Foundation schools (apart from those with a religious foundation where parents request RE to be 'denominational' or taught in accordance with the Trust Deed of the school).
- Voluntary Controlled schools (apart from when parents request RE to be 'denominational' or taught in accordance with the Trust Deed of the school).

[1996 Act, Ch 56, S376 (1); 1998 Act, Ch 31 S351 (1)]

In Nottingham City and County, RE meets the legal requirement insofar as it implements this Agreed Syllabus. Schools are not at liberty to plan and teach RE from any other basis. However, Community, Voluntary Controlled and Foundation schools that were formerly grant maintained schools, and had the opportunity to use any Agreed Syllabus must now revert to using the Local Agreed Syllabus. In such cases, schools are allowed up to five years from 1/9/99 to do so. (Agreed Syllabus for Religious Education (prescribed period) order, 1999, number 1728)

3. Religious Education must be taught according to an Agreed Syllabus that reflects the fact 'that the religious traditions in Great Britain are in the main Christian, while taking account of the teaching and practices of the other principal religions represented in Great Britain' [1996 Act, Ch 56 S375 (3)].

4. In schools where the Agreed Syllabus applies, Religious Education must be non-denominational, but teaching about denominational differences is permitted. [Education Act 1944 S26 (2)]

5. The Head Teacher, along with the governing body and the LEA, is responsible for the provision of religious education in foundation and community maintained schools and in voluntary controlled schools (See Paragraph 2 above).

Reporting on Pupils' Progress and Attainment

Schools are required to provide an annual report for parents on the attainment and progress of each child in religious education, as for other subjects of the curriculum.

Withdrawal from Religious Education

A parent of a pupil may request

- that the pupil may be wholly or partly excused from receiving religious education given in accordance with the school's basic curriculum.
- that a pupil who is wholly or partly excused from receiving religious education provided by the school may receive religious education of the kind desired by the parent elsewhere, provided that it will not interfere with the attendance of the pupil on any day except at the beginning or end of a school session.
- that a pupil who is wholly or partly excused from receiving religious education provided by the school may receive religious education of the kind desired by the parent on the school premises provided that it does not entail any expenditure by the responsible authority.

Teachers

- with specific exceptions, may withdraw from teaching religious education and they should not be discriminated against for their religious opinions or practices.

Extracts from recent legislation

Legal requirements for religious education in the curriculum

Religious education must be taught to all registered pupils in maintained schools, including those in the sixth form, except to those withdrawn by their parents. This requirement does not apply to nursery classes in maintained schools.

'Religious Education should be provided for all registered pupils except for those withdrawn at the request of their parents. (s 71 SSFA 1998). This will include school children in Reception classes as well as Post 16 students (but not those at Sixth Form colleges). Special schools should comply as far as is practicable.'

The Education Act (2002 Section 80 (1)(a) and the School Standards

Religious education is a component of the basic curriculum, to be taught alongside the National Curriculum in all maintained schools.

The curriculum for every maintained school in England shall comprise a basic curriculum which includes:

- a) **provision for religious education for all registered pupils** at the school (in accordance with such of the provisions of Schedule 19 to the School Standards and Framework Act 1998 (c. 31) as apply in relation to the school)
- b) a curriculum for all registered pupils at the school who have attained the age of three but are not over compulsory school age (known as "**the National Curriculum for England**") EA 2002, s80

Religious Education must be taught in accordance with an agreed syllabus in all

- Community schools and
- Foundation and Voluntary controlled schools (SSFA 1998 paras 2(1) and 2(2) Schedule 19)

An agreed syllabus should 'reflect the fact that the religious traditions in Great Britain are in the main Christian, while taking account of the teaching and practices of other principal religions represented in Great Britain. (s375 (3) Education Act 1996)

Note: this is not the same requirement as that for Collective Worship where the majority of acts of worship in any one term should be 'wholly or mainly of a broadly Christian character'.

DFE Circular 1/94¹, paragraph 32 states that an agreed syllabus ‘must not be designed to convert pupils, or to urge a particular religion or religious belief on pupils’

¹ Circular 1/94 does not constitute an authoritative legal interpretation of the Education Acts; that is a matter for the courts. DCFS is currently preparing new guidance.