

Legal Requirements

RE: statutory requirements and curriculum information

The national curriculum states the legal requirement that:

'Every state-funded school must offer a curriculum which is balanced and broadly based, and which:

- **promotes the spiritual, moral, cultural, mental and physical development of pupils; and**
- **prepares pupils at the school for the opportunities, responsibilities and experiences of later life.**

All state schools ... must teach religious education ... All schools must publish their curriculum by subject and academic year online'.

(National Curriculum in England: Framework Document, DfE, September 2013, p.4)

Although there is not a National Curriculum for RE, all maintained schools must follow the National Curriculum requirements to teach a broad and balanced curriculum, which includes RE. All maintained schools therefore have a statutory duty to teach RE. Academies and free schools are contractually required through the terms of their funding agreement to make provision for the teaching of RE. Further information concerning RE in academies and free schools is given below.

The RE curriculum is determined by the local Standing Advisory Council on Religious Education (SACRE), which is responsible for producing the locally agreed syllabus for RE.

Agreed Syllabuses used in schools (maintained or academy), which are not designated with a religious character must 'reflect 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'. Schools with a religious designation may prioritise one religion in their RE curriculum, but all schools must recognise diverse religions and systems of belief in the UK both locally and nationally.

In brief, legislation requires that:

- in maintained community, foundation or voluntary schools without a religious character, RE is taught in accordance with the local Agreed Syllabus;
- academies and free schools must teach RE within the requirements for a locally agreed syllabus, set out in section 375 (3) of the Education Act 1996 and paragraph (5) of Schedule 19 to the School Standards and Framework Act 1998. The requirements are that a syllabus must 'reflect 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';
- for foundation and voluntary controlled schools with a religious character, RE must be taught according to the Agreed Syllabus unless, parents request RE in accordance with the trust deed of the school; and
- in voluntary aided schools RE must be taught in accordance with the trust deed.
RE must be included in the curriculum for all registered pupils, including all pupils in reception classes and sixth form, but excluding:
 - pupils in nursery schools or nursery classes in primary schools;
 - any person aged nineteen or above for whom further education is being provided at school; and
 - any person over compulsory school age who is receiving part-time education.

Continued overleaf /.....

Additional Information

Withdrawal from RE

Pupils

Parents may withdraw their children from RE lessons or any part of the RE curriculum and the school has a duty to supervise them, though not to provide additional teaching or to incur extra cost. Where the pupil has been withdrawn, the law provides for alternative arrangements to be made for RE of the kind the parents want the pupil to receive.

These arrangements will be made by the parents;

- the school is not expected to make these arrangements. This RE could be provided at the school in question, or by another school in the locality. If neither approach is practicable, the pupil may receive external RE teaching as long as the withdrawal does not significantly impact on the child's attendance. Schools should have a policy setting out their approach to provision and withdrawal.

It is good practice to insert a line about this in your school prospectus, such as: 'RE is provided for all pupils, and is inclusive and broad minded. Parents do have the right to withdraw pupils from RE: if you wish to do this, make an appointment with the head teacher / RE subject leader. The school does not support selective withdrawal from RE'.

Teachers

Teachers may withdraw from the teaching of RE unless they have been specifically employed to teach or lead and manage RE. An application to withdraw must be given in writing to the head and chair of governors. Pupils must not miss out on RE teaching because a teacher has withdrawn from teaching RE. The school must make alternative provision for the pupils to be taught RE.

(NATRE <https://www.natre.org.uk/about-re/legal-requirements/> accessed 18/02/2019)

School inspection handbook January 2019 No. 180041; DRAFT FOR CONSULTATION – January 2019,

Curriculum flexibility (P.41)

158. The curriculum sets out the aims of a programme of education. It also sets out the structure for those aims to be implemented, including the knowledge, skills and understanding to be gained at each stage. It enables the evaluation of pupils' knowledge and understanding against those expectations.

159. All pupils in maintained schools are expected to study the national curriculum subjects, religious education and age-appropriate sex education. ⁵⁸ Academies are expected to offer all pupils a curriculum that is similar in breadth and ambition to the national curriculum, including the requirements to teach English, mathematics, science, and religious education.⁵⁹

160. Schools taking radically different approaches to the curriculum will be judged fairly. The inspectorate recognises the importance of schools' autonomy to choose their own curriculum approaches. If leaders are able to show that they have thought carefully, that they have built a curriculum with appropriate coverage, content, structure and sequencing and are able to show that it has been implemented effectively, then inspectors will assess a school's curriculum

Footnotes: ⁵⁸ Subject to parliamentary approval, the requirement to provide sex education will be replaced by relationships education (key stages 1 and 2), relationships and sex education (key stage 3 and 4) and health education (all key stages 1-4) from September 2020.

⁵⁹ See the Education Act 2002 for maintained schools and section 1A of the Academies Act 2010 for academies. All state-funded schools are required to teach a balanced and broadly based curriculum which promotes the spiritual, moral, social, cultural, mental and physical development of pupils at the school; and prepare pupils at the school for the opportunities, responsibilities and experiences of later life.