

RE legal requirements: what does the legislation in England say?

RE is for all pupils

- Every pupil has a legal entitlement to RE.
- RE is a necessary part of a 'broad and balanced curriculum' and must be provided for all registered pupils in state-funded schools in England, including those in the sixth form, unless withdrawn by their parents (or withdrawing themselves if they are aged 18 or over).³
- This requirement does not apply for children below compulsory school age (although there are many examples of good practice of RE in nursery classes).
- Special schools should ensure that every pupil receives RE 'as far as is practicable'.⁴
- The 'basic' school curriculum includes the National Curriculum, RE, and relationships and sex education.

RE is locally determined, not nationally

- A locally agreed syllabus is a statutory syllabus for RE recommended by an Agreed Syllabus Conference for adoption by a local authority.⁵
- Local Authority maintained schools without a religious character must follow the locally agreed syllabus.
- RE is also compulsory for all pupils in each year group in academies and free schools, as set out in their funding agreements. Academies may use the locally agreed syllabus, or a different locally agreed syllabus (with the permission of the SACRE concerned) or devise their own curriculum. OFSTED expects Academies to provide an RE curriculum 'of similar ambition' to the subject orders of the National Curriculum. This agreed syllabus has been written to support academies in our local area to meet the requirements of their funding agreement, and is warmly commended to them.

RE is multifaith, and recognises the place of Christianity and the other principal religions in the UK. Nonreligious worldviews are included

- The RE curriculum drawn up by a SACRE or used by an academy or free school, 'shall 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'.⁶ Contemporary guidance from the government makes clear that the breadth of RE will include the six principal religions in the UK and non-religious worldviews in the RE curriculum for 4- 16 year olds.

Requirements for different types of schools vary

- Voluntary-aided schools with a religious character should provide RE in accordance with the trust deed or religious designation of the school, unless parents request the locally agreed syllabus.
- Church of England schools (including church academies and church free schools) should provide a wide range of opportunities for learners to understand and to make links between the beliefs, practices and value systems of the range of faiths and worldviews studied. This can be achieved by using the agreed syllabus.
- In Church of England schools, the students and their families can expect an RE curriculum that is rich and varied, enabling learners to acquire a thorough knowledge and understanding of the Christian faith, for example through the Understanding Christianity resource. Church of England schools should use some form of enquiry approach that engages with, for example, biblical texts, and helps develop religious and theological literacy. Links with the Christian values of the school and spiritual, moral, social and cultural development are intrinsic to the RE curriculum and should have a significant impact on learners (more is set out in Religious Education in Church of England Schools: A Statement of Entitlement).
- The effectiveness of denominational education in schools with a religious character such as Roman Catholic, Church of England and Methodist schools, is evaluated during the Statutory Section 48 Inspection.

As education policy changes, the legal requirement for RE for all registered pupils remains unchanged. RE is an entitlement for all pupils on the roll of every school, unless they have been withdrawn by their parents from RE. The most recent commentary on the legal place of RE from the DfE does not envisage any change to these requirements.

Parental right of withdrawal from RE

This right of withdrawal was first granted in 1944 when curricular RE was called 'religious instruction', and carried with it connotations of induction into the Christian faith. RE is very different now – open, broad, exploring a range of religious and non-religious worldviews, never coercive. However, in the UK, parents still have the right to withdraw their children from RE on the grounds that they wish to provide their own RE (School Standards and Framework Act 1998 S71 (3)). This provision will normally be the parents' responsibility. However, it is good practise to talk to parents to ensure that they understand the aims and value of RE before honouring this right. Schools often include a short statement about RE being inclusive in their prospectus, and ask parents considering withdrawal to contact the head teacher to arrange a discussion. Some schools also say that they will not support selective withdrawal from some parts of RE. Students aged 18 or over have the right to withdraw themselves from RE. Detailed guidance and case studies from the National Association of Head Teachers and the National Association of Teachers of RE is available:

<https://www.natre.org.uk/membership/guidance-on-withdrawal>

What is statutory material and what is guidance material in this RE syllabus?

The statutory requirements of this syllabus are as follows:

- Schools must obey the law by providing RE for every pupil in each year group, except those withdrawn by their parents (see above).
- The purposes of RE, the principal aim and its three-fold elaboration are the aims of RE in this syllabus. They are statutory. Schools must enable pupils to achieve in RE in relation to the aims.
- The minimum requirements for which religions are to be taught are statutory. Schools must teach about these religions and worldviews, so that pupils have a broad and balanced curriculum in RE from ages 5–14.
- The end-of-phase and age-related outcomes specified in the syllabus are statutory. Schools must use these impact statements to plan teaching and learning so that all pupils have a chance to make progress in RE and to meet these standards, which are similar to the age related outcomes for foundation subjects of the National Curriculum such as geography or history.

Guidance and support in meeting these requirements

- While the outcomes for the syllabus are statutory, the scheme of work is provided as guidance for schools, and is non-statutory.
- The investigation plans provided for pupils in each age group are the main means by which schools are advised to implement the statutory programme of RE, but they are flexible. Schools can develop additional units of work of their own, from the principle aim of RE, as long as they meet the outcomes and reflect the range of religions that the syllabus requires.
- The skills and knowledge which the syllabus offers to pupils, as described in the assessment guidance of the syllabus, offer good methods for assessing achievement which are compatible with the assessment of other subjects, and a range of school-based assessment policies and programmes. Teacher can use this guidance, or something which is superior to it, in their own schools