



Information about the legal requirements around Religious Education in Primary Schools in England

RE is for all pupils:

- Every pupil has an entitlement to religious education (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be provided for all registered pupils in state-funded schools in England, including those in the sixth form, unless withdrawn by their parents (or withdrawing themselves if they are aged 18 or over).³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 determined locally, 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.
- 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.
- Foundation schools and voluntary controlled schools with a religious character should follow the locally agreed syllabus, unless parents request RE in accordance with the trust deed or religious designation of the school.
- Religious education is also compulsory 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 permission of the SACRE concerned) or devise their own curriculum. This agreed syllabus has been written to support academies in Sheffield to meet the requirements of their funding agreement.

RE is plural:

- The RE curriculum drawn up by a SACRE, or 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
- According to case law, the agreed syllabus has a duty 'to take care that information or knowledge included in the curriculum is conveyed in a pluralistic manner' and 'must accord equal respect to different religious convictions, and to non-religious belief'.⁷ Note that the term 'religion' encompasses both religious and non-religious beliefs.⁸

As education policy changes, the legal requirement for RE for all registered pupils remains unchanged. RE is an entitlement for all pupils, unless they have been withdrawn by their parents from some or all of the RE curriculum.

Right of withdrawal

This was first granted when RE was actually 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. However, parents have the right to withdraw their children from RE lessons or any part of the RE curriculum⁹ 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

³ School Standards and Framework Act 1998, Schedule 19; Education Act 2002, section 80.

⁴ The Education (Special Educational Needs) (England) (Consolidation) (Amendment) Regulations 2006 Regulation 5A.

⁵ Education Act 1996 Schedule 31.

⁶ Education Act 1996 section 375.

⁷ www.judiciary.uk/wp-content/uploads/2015/11/r-fox-v-ssfa.pdf. 'Equal respect' does not entail equal time.

⁸ In accordance with Human Rights Act 1988.

⁹ School Standards and Framework Act 1998 S71 (3).