Circular number 1/94

Religious Education and Collective Worship

Summary of contents

All maintained schools must provide religious education and daily collective worship for all registered pupils and promote their spiritual, moral and cultural development.

Local agreed RE syllabuses for county schools and equivalent grant–maintained schools must in future reflect the fact that religious traditions in the country are in the main Christian whilst taking account of the teaching and practices of other principal religions. Syllabuses must be periodically reviewed.

Collective worship in county schools and equivalent grant–maintained schools must be wholly or mainly of a broadly Christian character, though not distinctive of any particular Christian denomination.

The parental right of withdrawal from RE and collective worship and the safeguards for teachers are unchanged.

Local bodies advise on RE and collective worship and recommend new RE syllabuses. They represent faith groups, teachers, the LEA and grant–maintained schools.

Information and inspection requirements apply to RE and collective worship.

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Circular 1/89
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Circular 5/93
Circular 7/93
Circular 10/93
Circular 16/93
GM Factsheet A3
GM Factsheet A9 & A9a

Superseded documents:
Circular 3/89
DES letters to CEOs of 18 March 1991 and 27 August 1991

Audience:
Local Education Authorities
SACREs
Head teachers and governing bodies of maintained schools
Teacher training institutions
Diocesan bodies
Other bodies

This guidance does not constitute an authoritative legal interpretation of the provisions of the Education Acts or other enactments and regulations; that is exclusively a matter for the courts.

DFE

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Action Points for Head Teachers of Maintained Schools (Other Than Maintained Special Schools)

Secure provision of RE and daily collective worship for all pupils (paragraphs 8; 16–23; 50–67; 142–149).

County and equivalent grant-maintained[1] schools – arrange collective worship in consultation with governing body (paragraphs 50–67).

County schools – If appropriate, apply to standing advisory council on RE (SACRE) for determination on collective worship (paragraphs 68–75).

Give effect to parent's request to withdraw child from RE or collective worship (paragraphs 44–49; 83–88).

Make RE syllabus available on request (paragraph 122).

Report to parents on child's progress in RE (paragraphs 125–126).

Grant-maintained schools – consider curriculum complaints on RE and collective worship (paragraphs 134–140).

Education Act 1993 – new requirements

Grant-maintained schools equivalent to voluntary aided schools – Notify SACRE if using LEA syllabus at request of parents (paragraph 23).

Grant-maintained schools equivalent to county schools – If appropriate, apply to SACRE for determination on collective worship (paragraphs 68–75).

1 There is no convenient phrase to describe the types of grant maintained school to which the various requirements for RE and collective worship apply. Grant-maintained schools are therefore described in this circular in relation to their LEA-maintained equivalents: county, voluntary aided and special agreement schools. This is set out fully in Annex A.

Action Points for Governors of Maintained Schools (Other Than Maintained Special Schools)

Carry out their functions to secure RE and daily collective worship for all pupils (paragraphs 8; 16–23; 50–67; 142–149).

Voluntary aided, special agreement and equivalent grant–maintained schools – Determine RE (paragraph 23).

Voluntary and equivalent grant–maintained schools – Arrange daily collective worship in consultation with head teacher (paragraph 82).

Include information on RE and collective worship in prospectus (paragraphs 123–124).

Respond to Ofsted inspection on RE in action plan (paragraphs 127–128).

Consider curriculum complaints on RE and collective worship (paragraphs 135–141).

Education Act 1993 – new requirements

Grant–maintained schools equivalent to county or voluntary controlled schools – Decide whether to continue using local LEA syllabus (paragraphs 22–23).

Grant–maintained schools equivalent to county or voluntary controlled schools – at certain point, nominate representatives to SACRE and syllabus conference (paragraphs 105; 114).

Grant–maintained schools equivalent to county or voluntary controlled schools – before that point, appoint single representative of SACRE and comment on any syllabus review (paragraphs 106–107).

Voluntary and equivalent grant–maintained schools – secure inspection of RE and collective worship (paragraphs 129–133).

Action Points for LEAs

Carry out its functions to secure RE and daily collective worship for all pupils (paragraphs 8; 16–23; 50–67; 142–149).

Establish and fund SACRE (paragraphs 89–100; 117).

Agree an agreed syllabus (paragraphs 24–43); and convene and fund occasional syllabus conference (paragraphs 89; 101–102; 117).

Appoint members to SACRE and syllabus conference (paragraphs 103–107; 110–116).

Notify Secretary of State when new syllabus is agreed (paragraph 28).

Provide information on determinations to Secretary of State annually by 30 September (paragraph 76).

Consider curriculum complaints on RE and collective worship (paragraphs 135–141).

Education Act 1993 – new requirements

Constitute by 1 October 1994 a new SACRE so that group A reflects broadly the proportionate strength of local religious groups (paragraphs 111–112).

Reconvene by 1 October 1994 any agreed syllabus conference which is meeting and has not by that time made a recommendation so that committee A reflects broadly the proportionate strength of local religious groups (paragraphs 111–112).

Ensure that from 1 May 1994 SACREs and agreed syllabus conferences observe the requirements that meetings shall be open to the public (paragraphs 118–119).

Convene by 1 April 1995, where a new agreed syllabus has not been adopted since 29 September 1988, an agreed syllabus conference for that purpose; and only effect the syllabus recommended by the conference if it complies with s 8(3) of the 1988 Act (paragraphs 26–27).

Convene an agreed syllabus conference to review agreed syllabus every five years after adoption (paragraph 29).

At certain point, establish new SACRE and reconvene any syllabus conference with an extra committee or group representing grant–maintained schools (paragraphs 103; 105).

Before that point, where in the area there are grant–maintained schools equivalent to county or controlled schools, appoint their nominee to SACRE (paragraph 106).

Before that point, where in the area there are grant–maintained schools equivalent to county or controlled schools, ensure that syllabus conference consults them on review of syllabus (paragraph 107).

Action Points for SACREs

Advise LEA on RE and collective worship (paragraphs 90–93).

In certain circumstances, ask LEA to review agreed syllabus (paragraph 25; 90).

Make determinations on collective worship and review them after 5 years (paragraphs 68–74; 90).

Publish annual report (paragraphs 98–100).

Education Act 1993 – new requirements

Send copy of advice to grant–maintained schools (paragraph 94).

Send copy of annual report to School Curriculum and Assessment Authority (paragraph 99).

Introduction

Government aims

1 The Education Reform Act 1988 sets out as the central aim for the school curriculum that it should promote the spiritual, moral, cultural, mental and physical development of pupils and of society, and prepare pupils for the opportunities, responsibilities and experiences of adult life. The Government is concerned that insufficient attention has been paid explicitly to the spiritual, moral and cultural aspects of pupils' development, and would encourage schools to address how the curriculum and other activities might best contribute to this crucial dimension of education[2].

2 The set of shared values which a school promotes through the curriculum, through expectations governing the behaviour of pupils and staff and through day to day contact between them will make an important contribution to pupils' spiritual, moral and cultural development and should be at the heart of every school's educational and pastoral policy and practice[3]. Every attempt should be made to publicise the school's values to parents and the local community and to win support for them. The great majority of schools pay considerable attention to this aspect of their role.

3 The Government has recently required schools to include in their prospectuses a statement of their ethos or shared values. Such statements will not be new to many schools, and provide an opportunity for schools to set out their aims for this part of their work, and to state how this will be achieved through the curriculum and other activities.

4 Religious education and collective worship make an important, although not exclusive, contribution to spiritual, moral and cultural development. These activities offer explicit opportunities for pupils to consider the response of religion to fundamental questions about the purpose of being, morality and ethical standards, and to develop their own response to such matters.

5 Every school must by law provide religious education and daily collective worship for all its pupils, with the exception of those pupils who are withdrawn from these activities by their parents. It is a matter of deep concern that in many schools these activities do not take place with the frequency required or to the standard which pupils deserve. The Government's aim is therefore to improve the quality of the religious education curriculum for pupils in order to ensure that they have the best possible opportunity to develop through this area of the curriculum.

2 The National Curriculum Council's 'Spiritual and Moral Development: a discussion paper' aims to guide schools in their understanding of spiritual and moral development and to demonstrate that these aspects are relevant not only to RE but to every area of the curriculum and to every facet of school life. Copies are available from the School Curriculum and Assessment Authority, Newcombe House, Notting Hill Gate, London W11 3JB.

3 White Paper: 'Choice and Diversity: a new framework for schools', Cm 2021, HMSO.

6 Detailed arrangements for the provision of religious education and collective worship are properly a matter of local responsibility. It is at local level that the syllabus for religious education is determined by an agreed syllabus conference, and at local level that arrangements are made for collective worship by a school's head teacher or governing body. Nevertheless, the Government seeks to encourage improved standards and secure comparable opportunities for all pupils in non-denominational schools.

7 The legislation governing religious education and worship in such schools is designed:

- in RE to ensure that pupils gain both a thorough knowledge of Christianity reflecting the Christian heritage of this country, and knowledge of the other principal religions represented in Great Britain; and
- in collective worship to enable pupils, wherever possible, to share a single act of collective worship, while ensuring that worship is appropriate for the pupils taking part.

8 School governors, head teachers and local education authorities are expected by the Government to apply this legislation in full and in such a way as may lead to significant improvements to the quality of religious education and collective worship.

9 The Government also attaches great importance to the role of religious education and collective worship in helping to promote among pupils a clear set of personal values and beliefs. They have a role in promoting respect for and understanding of those with different beliefs and religious practices from their own, based on rigorous study of the different faiths. This country has a long tradition of religious freedom which should be preserved.

10 This circular sets out the Government's policy on religious education and collective worship in schools, and gives guidance to those concerned with these matters at local level on the law and its implementation in schools. This guidance does not constitute an authoritative legal interpretation of the Education Acts; that is a matter for the courts.

Scope of circular

11 The requirements set out in this circular apply to registered pupils[4] in maintained schools other than maintained special schools. They do not apply to the majority of colleges of further education, including tertiary colleges, or to nursery schools or to nursery classes in primary schools.

Education Reform Act 1988 s.25(2)

Education Act 1993 s.188(6)

12 The Education Act 1993 contains requirements for religious education and collective worship in special schools. Details of these arrangements are set out in Annex B.

Further and Higher Education Act 1992 s.14

4 'Pupil' refers to any person for whom education is being provided at a school: except any person aged nineteen or above for whom further education is being provided at a school; or any person over compulsory school age (5–16) who is receiving part time education.

13 The Education Reform Act 1988 provides for the Secretary of State to lay down requirements for religious education and collective worship in city technology colleges and city colleges for the technology of the arts. Details of these arrangements are set out in Annex C.

Education Reform Act 1988 s.105

14 The Further and Higher Education Act 1992 contains requirements for collective worship and religious education in sixth form colleges in the further education sector. Details of these arrangements are set out in Annex D.

Further and Higher Education Act 1992 s.44+45

Commencement of Education Act 1993 provisions

15 With one exception, the provisions of the Education Act 1993 relating to religious education and collective worship come into force on 1 April 1994. The exception is section 259 on inspection of denominational religious education (paragraphs 129–133) which was commenced on 1 October 1993.

Religious Education

Aims of RE

16 Religious education in schools should seek: to develop pupils' knowledge, understanding and awareness of Christianity, as the predominant religion in Great Britain, and the other principal religions represented in the country; to encourage respect for those holding different beliefs; and to help promote pupils' spiritual, moral, cultural and mental development.

Responsibility to provide RE

Education Reform Act 1988 s.2(1)(a)

17 RE, as part of the basic curriculum, should be provided for all registered pupils attending a maintained school.

Education Reform Act 1988 s.10(1)(b)

18 It is the head teacher's duty to secure this provision. The governing body or, for LEA–maintained schools, the governing body and the LEA, must also exercise their functions with a view to securing this provision.

19 The head teacher and governing body must ensure that sufficient time and resources are given to RE in school to meet the statutory requirements.

Status of RE

Education Reform Act 1988 s.2(1)

20 RE is required to be included, alongside the National Curriculum, in the basic curriculum which all maintained schools must provide for their registered pupils; this includes those in reception classes and sixth forms, and is not confined to pupils of compulsory school age (footnote 4 on page 10). The special status of RE as a part of the basic but not the National Curriculum is important. It ensures that RE has equal standing in relation to National Curriculum subjects within a school's curriculum, but is not subject to statutorily prescribed national attainment targets, programmes of study and assessment arrangements, which would be compulsory for all pupils, without exception.

RE requirements for different schools

21 The provisions of the Education Reform Act 1988 regarding the RE which LEA–maintained county and voluntary schools are required to provide are unchanged by the 1993 Act. It must be in accordance with the relevant requirements of the Education Act 1944, as amended by the Education Reform Act 1988. The amended sections are reproduced in full at Annex E.

Education Act 1944 s.26–29

22 The requirements in respect of certain grant–maintained schools are changed by the 1993 Act to reflect the greater autonomy of these schools. Grant–maintained schools equivalent to county schools or which are former voluntary controlled schools may follow the locally agreed syllabus of any LEA in England and Wales, so long as that syllabus meets the 1988 Act's requirements. In deciding which syllabus to use, a governing body should consider the issue of continuity and progression for pupils, as well as the quality of the syllabus.

Education Act 1993 s.142

23 In summary:

- For **county schools**, RE must be in accordance with the locally agreed syliabus of the LEA in whose area they are situated. — Education Act 1944 s.26(1)

- For **voluntary controlled schools**, the RE offered is to be in accordance with the LEA's locally agreed syllabus. — Education Act 1944 s.27(6)(b)

  - However, if parents so request, arrangements should be made for RE to be provided for their children in accordance with any trust deed or the practice followed before the school became controlled. — 27(1)

- For **voluntary aided and special agreement schools**, the RE offered is to be determined by the governors in accordance with the trust deed or (where such provision is not made by a trust deed) in line with practice before the school became a voluntary school. — Education Act 1944 s.28(1)(a)

  - But provision in accordance with the LEA's locally agreed syllabus may be made where parents request it and their children cannot conveniently attend a school where that syllabus is in use, unless the LEA is satisfied that it would be unreasonable to make such provision. — 28(1B)

- For **grant-maintained schools that were formerly voluntary aided or special agreement schools or are newly established under section 49 of the 1993 Act with provision for RE**, the RE offered is to be determined by the governors in accordance with the trust deed or (where such provision is not made by a trust deed) in line with practice before the school became grant-maintained or, for a new school, with the approved statement. — Education Act 1993 s.140(2)

  - But provision in accordance with the locally agreed syllabus of the LEA in whose area the school is situated (and no other) may be given where parents request it and their children cannot conveniently attend a school where that syllabus is in use, unless the governing body is satisfied that it would be unreasonable to make such provision. The 1993 Act requires the head teacher of such a school that is using the locally agreed syllabus to inform the local SACRE, in writing, of this (see paragraph 44.4). — 140(3) 140(5)

- For **grant-maintained schools that were formerly voluntary controlled schools**, the RE offered is to be in accordance with the locally agreed syllabus of any LEA in England and Wales. — Education Act 1993 s.139(2)(b)+142

  - However, if parents so request, arrangements should be made for RE to be provided for their children in accordance with any trust deed or the practice followed before the school became grant-maintained. — 139(2)(a)+(3)

- For **grant-maintained schools that were formerly county schools or are newly established under section 48 of the 1993 Act or under section 49 of the 1993 Act without provision for RE**, the RE offered is to be in accordance with the locally agreed syllabus of any LEA in England or Wales. — Education Act 1993 s.138+142

The locally agreed syllabus

Education Act 1944 Schedule 5

Education Act 1993 s.15

24 Procedures for preparing and bringing into operation a locally agreed syllabus for RE, or for reconsidering an existing locally agreed syllabus, are set out in Schedule 5 to the Education Act 1944, as amended by the Education Reform Act 1988 and the Education Act 1993. Schedule 5 in its amended form is reproduced at Annex F. The key features of the agreed syllabus procedure are unchanged, although the constitution of a conference is changed by the 1993 Act to reflect the growth in numbers and greater autonomy of grant–maintained schools. Details of the composition of a conference are given at paragraph 103.

Education Reform Act 1988 s.11(1) s.11(7) s.11(8) s.11(7)

25 It is for the LEA to convene an agreed syllabus conference for the purpose of reviewing a syllabus. As well as the LEA, a SACRE can also play a part in the process of deciding when and how to review a locally agreed syllabus. If a majority of the groups on a SACRE (other than those representing the LEA or, where relevant, grant–maintained schools), asks the LEA in writing to reconsider its agreed syllabus, it must convene a conference for that purpose. Any decision on whether to require the LEA to review the agreed syllabus continues, therefore, as at present, to be confined to a majority decision of the Church of England, Christian denominations and other religions' and teachers' groups of a SACRE, each of which has a single vote.

New requirement to review pre–1988 agreed syllabuses

Education Reform Act 1988 s.8(3)

26 The 1988 Act requires all syllabuses to 'reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in Great Britain'. It did not, however, require any LEA to review its old syllabus. In view of the numbers that chose to do so, the 1993 Education Act amends Schedule 5 of the 1944 Act to:

Education Act 1944 Schedule 5 para 12

Education Act 1993 s.256

- require any LEA that has not adopted a new syllabus since September 1988 to convene an agreed syllabus conference for that purpose within twelve months of the commencement of section 256 of that Act – ie by 1 April 1995.

Education Act 1944 Schedule 5 para 13 Education Reform Act 1988 s.8(3)

27 An LEA may give effect to a new locally agreed syllabus recommended by all 4, or 5, committees of a conference only if it appears to the authority to comply with the requirement of section 8(3) of the 1988 Act.

SI 954/1989 reg 12

28 An LEA is required, under the Education (School Curriculum and Related Information) Regulations 1989[5] to notify the Secretary of State when a new syllabus is agreed.

5 Details of this and other information requirements are given in Circular 14/89 'The Education (School Curriculum and Related Information) Regulations 1989'.

Five yearly review of the RE syllabus

29 The 1993 Act also amends Schedule 5 of the 1944 Act to require that every LEA institute a review of its locally agreed syllabus within five years of the last review, and subsequently every five years after the completion of each further review.

Education Act 1944 Schedule 5 paras 12+13

Power of Secretary of State to intervene in review of RE syllabus

30 Under Schedule 5 of the 1944 Act the Secretary of State may intervene where a LEA:

Education Act 1944 Schedule 5 paras 13(4), 10+11

1 fails to give effect to a new agreed syllabus unanimously recommended by a conference; or

2 reports to him that a conference has failed to reach unanimous agreement.

Where the Secretary of State had any reason to believe that a LEA was behaving unreasonably with regard to the review of an agreed syllabus by a conference, his powers under sections 68 and 99 of the 1944 Act would apply.

s.68+99

Content of RE

31 The Education Reform Act 1988 requires that all new syllabuses, ie those adopted on or after 29 September 1988, must 'reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in Great Britain'.

Education Reform Act 1988 s.8(3)

32 The law has always stated that agreed syllabuses must be non–denominational. Accordingly, they must not require teaching by means of any catechism or formulary which is distinctive of any particular religious denomination. Teaching about a particular catechism or formulary, for example as part of a comparative study, is not prohibited. Syllabuses must not be designed to convert pupils, or to urge a particular religion or religious belief on pupils.

Education Act 1944 s.26(2)

33 A syllabus which is to meet the statutory requirements must give sufficient particulars of what is to be taught for it to be clear that the teaching carried out in pursuance of that syllabus would be consistent with the requirement given in paragraph 31. It is not enough simply to be able to say that the teaching might be capable of meeting those requirements. It is in this respect that the syllabuses analysed by the NCC were found to have fallen short of what was required. Some syllabuses come with a detailed associated handbook or other guidance, which would not normally be considered a mandatory part of the syllabus unless it had been agreed formally by the local conference to constitute part of the syllabus. A syllabus which does not on its own meet the legal requirements cannot be made to do so by the addition of a handbook which has not been agreed as part of that syllabus by the conference.

34 The effect of the provisions in the 1988 Act is that a syllabus must be based on both Christianity and the other principal religions represented in this country, and on their religious traditions, practices and teaching. The syllabus should indicate at what ages or stages the particular subject matter in relation to each religion should be taught. This does not however

Education Reform Act 1988 s.8(3)

mean that all religions have to be taught in equal depth or that all of them have to be taught at each key stage. Indeed, it would not be educationally practicable to do so, if they are to be studied with appropriate rigour.

35 As a whole and at each key stage, the relative content devoted to Christianity in the syllabus should predominate. The syllabus as a whole must also include all of the principal religions represented in this country. In this context, the precise balance between Christianity and other religions should take account both of the national and the local position. In considering this, account should be taken of the local school population and the wishes of local parents, with a view to minimising the number who might exercise the right of withdrawal from RE lessons.

36 In the Department's view the syllabus should not be confined to information about religions and religious traditions, practices and teaching, but extend in a religious context to wider areas of morality, including the way in which people's religious beliefs and practices affect their understanding of moral issues and the consequences their behaviour has upon the family and society.

37 Although, subject to statute, the content of RE is locally determined, and not subject to nationally prescribed attainment targets and programmes of study, an agreed syllabus conference may recommend the inclusion of attainment targets, programmes of study and assessment arrangements in locally determined form in its proposals[6].

Exemplary material

38 Since RE is not part of the National Curriculum, or the subject of a nationally determined syllabus, the Government believes that a sensible way to help agreed syllabus conferences in their work would be to provide a range of model syllabuses. All conferences should therefore take note of the range of national model syllabuses that the Secretary of State has asked the School Curriculum and Assessment Authority (SCAA) to produce. In developing a syllabus, a conference should also take into account the outline checklist for an agreed syllabus prepared by the National Curriculum Council in their analysis of those syllabuses agreed since the 1988 Act[7].

Time for RE

39 When drawing up an agreed syllabus, a conference should assume that the head teacher and governing body will make a reasonable time available for the study of RE. Whilst taking into account the pressures on a school of other educational requirements, conferences should ensure the syllabus has sufficient rigour and depth. They may find it helpful to note the assumptions made in Sir Ron Dearing's final report

6 See the National Curriculum Council guidance, 'Religious Education: a local curriculum framework', July 1991, available from SCAA, Newcombe House, 45 Notting Hill Gate, London W11 3JB.

7 Appendix D of 'Analysis of agreed syllabuses for religious education', March 1993, available from SCAA.

on the National Curriculum and its assessment[8] on the time to be allotted to RE at Key Stages 1–4. His recommendations assume that 36 hours per year will be devoted to RE at Key Stage 1, 45 per year at Key Stages 2 and 3, and around 5 per cent of total curriculum time at Key Stage 4. The SCAA draft model syllabuses also assume around 40 hours per year.

GCSE and agreed syllabuses

40 When a conference draws up an agreed syllabus, it should take into account the needs of pupils at Key Stage 4 who want to take a GCSE in Religious Studies. Since all pupils are required to follow the agreed syllabus at this stage, it will be helpful if agreed syllabuses are designed to be compatible, as far as possible, with GCSE courses. Otherwise, schools will have to provide religious education for such pupils in addition to the GCSE course.

41 All GCSE (and other external) qualifications, and the syllabuses associated with them, are subject to approval. The arrangements for the approval of qualifications are set out in Circular 2/93[9]. The School Examinations and Assessment Council issued in June 1993 revised criteria for the approval of GCSE courses in Religious Studies[10].

Education Reform Act 1988 s.5

42 It is open to conferences to devise and seek approval for their own syllabuses for GCSE, to encourage the development of such syllabuses or to invite GCSE examining groups to develop new syllabuses to meet specific requirements. Where a conference wishes to promote a new syllabus it should consult SCAA or a GCSE Examining Group. Criteria and syllabuses for GCSE and other courses leading to qualifications for pupils of compulsory school age are subject to review and approval by SCAA and may change from time to time.

RE post–16, examinations and agreed syllabuses

43 A locally agreed syllabus must cover all registered pupils in school sixth forms (note 4 on page 10). Some of these pupils may wish to take examinations in Religious Studies and it will be helpful if agreed syllabuses are designed to be compatible, as far as possible, with A and AS level qualifications.

Education Reform Act 1988 s.2(1)(a)

Right of withdrawal

44 Nothing in the Education Act 1993 affects parents' rights, as established in the 1944 Act and re–enacted in the 1988 Act, to withdraw their children from RE if they wish. To summarise:

Education Reform Act 1988 s.9(3)

1 if the parent asks that a pupil should be wholly or partly excused from attending any RE at the school, then the school must comply;

Education Reform Act 1988 s.9(3)

8 The National Curriculum and its Assessment: final report by Sir Ron Dearing, December 1993, available from SCAA, Newcombe House, 45 Notting Hill Gate, London W11 3JB.

9 Circular 2/93 The Education Reform Act 1988: Statutory Approval of Qualifications under Section 5 (which replaces Circular 6/92), and subsequent annual circulars.

10 Available from SCAA.

Education Reform Act 1988 s.9(4)

9(6)

2 a pupil may, if the parent requests this, be withdrawn from the school premises to receive RE elsewhere, so long as the LEA, or in the case of a grant-maintained school, the governing body, is satisfied that this will not interfere with the child's attendance at school other than at the beginning or end of any school session;

3 if the parent of a pupil attending an LEA-maintained county or equivalent grant-maintained secondary school wishes him or her to receive RE according to the tenets of a particular religious denomination and this cannot conveniently be provided elsewhere, the LEA or governing body, in the case of a grant-maintained school, is required to allow such education within the school provided it does not consider that because of special circumstances it would be unreasonable to do so, and does not have to meet the cost;

Education Act 1944 s.26(3)+(4)

4 where the parent of a child attending an LEA-maintained aided, special agreement, or equivalent grant-maintained school wishes that child to receive RE according to the agreed syllabus and the child cannot conveniently attend a school where that syllabus is in use, the governors (or if, in the case of LEA-maintained schools, they are unwilling to do so, the LEA) must make suitable arrangements unless they (or the LEA) considers that special circumstances would make it unreasonable to do so (see paragraph 23).

Education Act 1944 s.28(1B)+(1C)

45 A school continues to be responsible for the supervision of any child withdrawn by its parent from RE, unless the child is lawfully receiving religious education elsewhere (paragraph 44.2).

Education Reform Act 1988 s.9(4)

Exercise of right of withdrawal

46 The parental right to withdraw a child from receiving RE should be freely exercisable and a school must give effect to any such request. Parents are not obliged to state their reasons for seeking withdrawal.

47 The law does not prescribe how religious education should be taught or organised in schools. LEAs and schools should bear in mind, however, that the way in which RE is organised must reflect the duty to teach the agreed syllabus or what is provided according to a trust deed, and that parents must be enabled to exercise their rights to request that their child should be excused from RE. This should not cause problems if RE is taught as a separate subject; but particular care will be needed to ensure that parents are able to exercise this right where schools, including primary schools, teach RE in an integrated form along with National Curriculum subjects (from which there is no right of withdrawal).

Education Reform Act 1988 s.9(3)

48 There will be occasions when spontaneous enquiries made by pupils on religious matters arise in other areas of the curriculum. Circumstances will vary, but responses to such enquiries are unlikely to constitute RE within the meaning of the legislation and a parent would not be able to insist on a child being withdrawn every time issues relating to religion and spiritual values were raised.

49 Experience suggests that, to avoid misunderstanding, a head teacher will find it helpful to establish with any parent wanting to exercise the right of withdrawal:

- the religious issues about which the parent would object to his or her child being taught;
- the practical implications of withdrawal;
- the circumstances in which the school can reasonably be expected to accommodate parental wishes (paragraph 48); and
- whether the parent will require any advanced notice of such RE, and, if so, how much.

Collective Worship

Aims

50 Collective worship in schools should aim to provide the opportunity for pupils to worship God, to consider spiritual and moral issues and to explore their own beliefs; to encourage participation and response, whether through active involvement in the presentation of worship or through listening to and joining in the worship offered; and to develop community spirit, promote a common ethos and shared values, and reinforce positive attitudes.

Responsibility to provide daily collective worship

51 All registered pupils (note 4 on page 10) attending a maintained school should take part in daily collective worship (see paragraphs 83–87 for the parental right of withdrawal). The relevant legislation is reproduced at Annex G.

Education Reform Act 1988 s.6(1)

52 It is the head teacher's duty to secure this. The governing body or, for LEA–maintained schools, the governing body and the LEA, must also exercise their functions with a view to securing this.

Education Reform Act 1988 s.10(1)(a)

53 The responsibility for arranging collective worship rests:

- at a voluntary or equivalent grant–maintained school with the governing body after consultation with the head teacher;

Education Reform Act 1988 s.6(3)(b)

- at any other school with the head teacher after consultation with the governing body.

s.6(3)(a)

Organisation of collective worship

54 Collective worship, subject to the right of withdrawal, is intended to be appropriate for and to include all pupils attending a school.

55 The timing and organisation of daily collective worship can be flexible. It need not be held at the start of the school day. There may be a single act of worship for all pupils or separate acts for pupils in different age groups or in different school groups. For this purpose, a 'school group' means any group, or combination of groups in which pupils are taught or take part in other school activities; it does not mean a group reflecting particular religious beliefs, for which different provision may be made (paragraphs 68–74).

Education Reform Act 1988 s.6(2)

s.6(7)

56 As a rule, all acts of collective worship should take place on the school premises. However, the governing bodies of grant–maintained, aided and special agreement schools have discretion to organise collective worship elsewhere on special occasions. County and controlled schools which also wish to hold acts of collective worship off the school premises may do so, provided these are in addition to the daily statutory act of collective worship which must still be held on school premises.

Education Reform Act 1988 s.6(4) s.6(5)+(6)

Meaning of collective worship

57 'Worship' is not defined in the legislation and in the absence of any such definition it should be taken to have its natural and ordinary meaning. That is, it must in some sense reflect something special or separate from ordinary school activities and it should be concerned with reverence or veneration paid to a divine being or power. However, worship in schools will necessarily be of a different character from worship amongst a group with beliefs in common. The legislation reflects this difference in referring to 'collective worship' rather than 'corporate worship'.

Education Reform Act 1988 s.6(1)

58 Collective worship and assembly are distinct activities. Although they may take place as part of the same gathering, the difference between the two should be clear. Collective worship can, nevertheless, be related to the day to day life, aspirations and concerns of the school.

59 'Taking part' in collective worship implies more than simply passive attendance. It follows that an act of collective worship should be capable of eliciting a response from pupils, even though on a particular occasion some of the pupils may not feel able actively to identify with the act of worship.

Education Reform Act 1988 s.6(1)

Character of collective worship (other than at LEA–maintained voluntary and equivalent grant–maintained schools)

60 In the light of the Christian traditions of Great Britain, section 7(1) of the Education Reform Act (and the corresponding section of the Education Act 1993) says that collective worship organised by a county or equivalent grant–maintained school is to be 'wholly or mainly of a broadly Christian character'.

Education Reform Act 1988 s.7(1) + Education Act 1993 s.138(2)

61 The Act then further defines collective worship of a 'broadly Christian character' as being worship which reflects the broad traditions of Christian belief. Any such worship should not, however, be distinctive of any particular Christian denomination.

Education Reform Act 1988 s.7(2) + Education Act 1993 s.138(3)

62 It is open to a school to have acts of worship that are wholly of a broadly Christian character, acts of worship that are broadly in the tradition of another religion, and acts of worship which contain elements drawn from a number of different faiths. Section 7(3) of the Act qualifies section 7(1) by providing that within each school term the majority of acts of worship must be wholly or mainly of a broadly Christian character, but it is not necessary for every act of worship to be so (see also paragraph 124). Thus, whatever the decision on individual acts of worship, the majority of acts of worship over a term must be wholly or mainly of a broadly Christian character.

Education Reform Act 1988 7(3)+(1) + Education Act 1993 s.138(4)

63 Provided that, taken as a whole, an act of worship which is broadly Christian reflects the traditions of Christian belief, it need not contain only Christian material. Section 7(1) is regarded as permitting some non–Christian elements in the collective worship without thus depriving it of its broadly Christian character. Nor would the inclusion of elements common to Christianity and one or more other religions deprive it of that character. It must, however, contain some elements which relate specifically to the traditions of Christian belief and which accord a special status to Jesus Christ.

Education Reform Act 1988 s.7(1) + Education Act 1993 s.138(2)

Education Reform Act 1988 s.7(4)(c)+(5) + Education Act 1993 s.138(5)(c)+(6)

6(3)(a)

64 The extent to which and the ways in which the broad traditions of Christian belief are to be reflected in such acts of collective worship should be appropriate to the family backgrounds of the pupils and their ages and aptitudes. It is for the head teacher to determine this after consultation with the governing body.

65 Pupils who do not come from Christian families should be able to join in the daily act of collective worship even though this would, in the main, reflect the broad traditions of Christian belief. The law intends that, subject to the exceptions provided by section 9 of the 1988 Act (paragraph 83), all pupils will take part in such collective worship.

Education Reform Act 1988 s.6(1)

66 In all these matters any departure from the broadly Christian requirement must be justified in terms of the family backgrounds, ages and aptitudes of the pupils concerned. These considerations should inform:

Education Reform Act 1988 s.7(5) + Education Act 1993 s.138(6)

1 the extent to which (if at all) any acts of collective worship in the school are not of a broadly Christian character;

Education Reform Act 1988 s.7(4)(a) + Education Act 1993 s.138(5)(a)

2 the extent to which the broad traditions of Christian belief are reflected in those acts of worship of a broadly Christian character; and

Education Reform Act 1988 s.7(4)(b) + Education Act 1993 s.138(5)(b)

3 the ways in which those traditions are reflected.

Education Reform Act 1988 s.7(4)(c) + Education Act 1993 s.138(5)(c)

67 It is suggested that the head teacher ensure that the school's plans for daily collective worship, or some other record, are kept in case of queries.

Exemption from broadly Christian collective worship ('determinations')

Education Reform Act 1988 s.7(1)

s.7(6)+12

68 The requirements described above (paragraphs 60–66), that collective worship should be wholly or mainly of a broadly Christian character, should be appropriate for most pupils across the country. The 'determination' procedure, however, allows these requirements to be lifted in respect of some or all of the pupils in a school where they are inappropriate. In determining this, the standing advisory council on RE (SACRE) is to have regard to any circumstances relating to the faith backgrounds of the pupils which are relevant for deciding what character of collective worship is appropriate.

Education Act 1993 s.148

69 The 1993 Act allows any grant–maintained school equivalent to a county school (i.e. to which section 7(1) of the 1988 Act applies) to apply for a determination in similar circumstances to a county school.

Applying for a determination

70 If the head teacher of a school considers that the requirements for collective worship in paragraph 60 could conflict with what is required by paragraph 64, he or she can apply to the local standing advisory council on RE (SACRE) to lift or modify the requirements in paragraph 60. Before doing so the head teacher must consult the school's governing body who in turn may wish to seek the views of parents.

Education Reform Act 1988 s.12(1) s.12(1) s.12(9)

71 The head teacher's application may relate either to a clearly described and defined group or to the whole school. Before considering applying for a determination in relation to the whole school, however, care should be taken to safeguard the interests of any parents of children for whom broadly Christian collective worship would be appropriate. One factor which may inform a head teacher's decision to make an application to the SACRE is the extent of withdrawals from broadly Christian collective worship.

Education Reform Act 1988 s.12(1)

72 In considering whether to grant a head teacher's request, the SACRE must ensure that the proposed determination is justified by any relevant circumstances relating to the family backgrounds of the pupils concerned. When it has made a determination on the request – which can only take the form of acceptance or rejection without modification – it must communicate this in writing to the head teacher and state the date from which it should take effect.

Education Reform Act 1988 s.12(2)

s.12(3)+(4)

73 Any determination made under these arrangements ends after 5 years, unless renewed by the SACRE. There must be a review by the SACRE no later than 5 years after any determination was introduced; and subsequently within 5 years of each review. The head teacher may request an earlier review at any time, after consulting the governing body. The head teacher must be given an opportunity to make representations in any review and, in turn, is required to consult the governing body who may wish to seek the views of parents.

Education Reform Act 1988 s.12(5)(b)

s.12(5)(a) 12(6)

74 It is for each SACRE to decide how applications should be made, and to make available any necessary guidance to schools.

Education Reform Act 1988 s.12(10)

Information on determinations

75 It is desirable for a head teacher to keep sufficient records to enable him or her to reply to any parental enquiry about the reasons for applying, or not applying, for a determination for a group of pupils.

76 The LEA is required under the Education (School Curriculum and Related Information) Regulations 1989 to provide annual information by 30 September about the number and type of determinations made by the SACRE (paragraphs 70–74) in respect of collective worship in schools.

SI 954/1989 reg 12

Character and organisation of alternative statutory collective worship

77 It is for the head teacher to decide what form the alternative worship will take, although the SACRE should be informed of the proposed arrangements. The head teacher will wish to take appropriate steps to notify the governing body and parents of the new arrangements.

78 Where such a determination is made in respect of all or some of the pupils in the school, daily collective worship must still be provided for them. Where a determination has been granted in respect of a class or description of pupils of a particular faith or religion, the alternative collective worship may be provided for those pupils as a whole. It may not be distinctive of any particular denomination of any faith or religion, but may be distinctive of a particular faith or religion. Parents continue to have a right to withdraw their children from the collective worship.

Education Reform Act 1988 s.7(6)(b)

9(3)

79 Where a single determination has been granted for the whole school, it is not permissible for pupils to be divided into faith groups for worship. However, where a determination covers only part of the school, or where more than one determination has been granted in respect of different groups of pupils at the school, a single act of worship may be provided for each group of pupils covered by a single determination. Where such a group has been defined in respect of the pupils' faith background, it follows that single faith worship may be provided for the pupils involved. Each group in respect of which a determination has been made may, of course, be further sub–divided by school or age group, if that is felt to be appropriate (paragraph 68).

80 This should not be taken to imply that worship should or should not be provided by faith groups. The arrangements set out above are, however, permitted by the 1988 Act, if this is deemed appropriate (paragraph 68).

Power of Secretary of State to direct SACRE to revoke a determination or discharge duty

Education Reform Act s.12A

81 The Education Act 1993 amends the 1988 Act so that, where the Secretary of State is satisfied, either on complaint by any person or otherwise, that any SACRE:

1 has acted, or is proposing to act, unreasonably in determining whether it is appropriate for the requirement for Christian collective worship to apply in the case of a school or group of pupils; or

2 has failed to discharge its duty in this respect;

the Secretary of State has the power to direct the SACRE to revoke the determination, withdraw the proposed determination or, as the case may be, to discharge its duty.

Character of collective worship at LEA–maintained voluntary and equivalent grant–maintained schools

82 The character and content of collective worship in any LEA–maintained voluntary (aided and controlled) or equivalent grant–maintained school continues to be determined by the governing body.

Education Reform Act s.6(3)(b)

Right of withdrawal

83 Nothing in the Education Act 1993 affects parents' rights, as established in the 1944 Act and re–enacted in the 1988 Act, to withdraw their children from collective worship if they wish. To summarise:

Education Reform Act 1988 s.9(3)

Education Reform Act 1988 s.9(1)

1 it cannot be a condition of attendance at any maintained school that a pupil attends, or abstains from attending, any Sunday school or place of worship;

Education Reform Act 1988 s.9(3)

2 if the parent asks that a pupil should be wholly or partly excused from attending any religious worship at the school, then the school must comply. This includes alternative worship provided by a school as a result of a determination by a SACRE;

3 where the parent of any pupil who is a boarder at a maintained school requests that the pupil be permitted to attend worship in accordance with the tenets of a particular religious denomination on Sundays or other holy days, or to receive religious education in accordance with such tenets outside school hours, the school's governing body shall make arrangements to allow the pupil reasonable opportunities to do so. These arrangements may be provided for on school premises, but are not to entail expenditure by the LEA or, in the case of a grant–maintained school, its governing body.

Education Reform Act 1988
s.9(7)
s.9(8)

84 A school continues to be responsible for the supervision of any child withdrawn by its parent from collective worship.

Exercise of right of withdrawal

85 The parental right to withdraw a child from attending collective worship should be freely exercisable and a school must give effect to any such request. Parents are not obliged to state their reasons for seeking withdrawal.

86 The right of withdrawal from collective worship would normally be exercised through the physical withdrawal of the pupil from the place where the act of worship is taking place. Indeed the school could insist that this is the way the right is to be implemented. If, however, both the parent and the school agree that the pupil should be allowed to remain physically present during the collective worship but not take part in it, nothing in the law prevents this.

87 Experience suggests that, to avoid misunderstanding, a head teacher will find it helpful to establish with any parent wanting to exercise the right of withdrawal:

- the elements of worship in which the parent would object to the child taking part;
- the practical implications of withdrawal; and
- whether the parent will require any advanced notice of such worship, and, if so, how much.

Alternative worship for pupils who have been withdrawn

88 Nothing in the law prevents any maintained school from allowing, at parents' request and where they have withdrawn pupils from statutory provision, religious education to be provided or religious worship to take place according to a particular faith or denomination. Governing bodies and head teachers should seek to respond positively to such requests from parents:

1 unless the effect would be that denominational worship replaced the statutory non–denominational collective worship;

2 provided that such arrangements can be made at no additional cost to the school; and

3 provided that the alternative provision would be consistent with the overall purposes of the school curriculum set out in section 1 of the 1988 Act.

Local Bodies: Standing Advisory Council on Religious Education (SACRE) and Agreed Syllabus Conference

Duty to establish SACRE and agreed syllabus conference

89 There are statutory duties on every LEA to establish:

Education Reform Act 1988 s.11

1 a permanent body, called a standing advisory council for religious education (SACRE), to advise the LEA on matters concerned with the provision of RE and collective worship; and

Education Act 1944 Schedule 5

2 an occasional body which must be convened to produce and recommend an agreed syllabus for RE, called an agreed syllabus conference.

Function of SACRE

Education Reform Act 1988 s.11(1)(a)

90 A SACRE's main function is 'to advise the authority upon such matters connected with religious worship in county schools and the religious education to be given in accordance with an agreed syllabus as the authority may refer to the council or as the council may see fit'. Also, it:

s.11(7)

- can require the LEA to review its current agreed syllabus (paragraph 25); and

s.12(1)

- must consider applications made by a head teacher that the requirement for collective worship in county schools to be wholly or mainly of a broadly Christian character shall not apply to the collective worship provided for some or all of the pupils at that particular school (paragraphs 68–74; Annex G).

91 The broad role of a SACRE is to support the effective provision of RE and collective worship in schools. Each LEA should work with its SACRE to review the existing provision for RE and consider with the SACRE whether any changes need to be made in the agreed syllabus or in the support offered to schools. Similarly, it should work with its SACRE to monitor the provision of daily collective worship and to consider with it any action which might be taken to improve such provision.

Education Reform Act 1988 s.11(2)

92 It is for a LEA to decide what matters it wishes to refer to its SACRE; but the 1988 Act says that these should include, in particular, methods of teaching, the choice of teaching material and the provision of teacher training.

Education Reform Act 1988 s.11(1)(a)

93 A SACRE is not confined to advising on matters referred to it by its LEA; it may offer advice on any matters related to its functions as it sees fit. It may offer advice to local grant-maintained schools or address such matters as they may refer to it. The advice offered by a SACRE carries no statutory force. However, the LEA or school should always give careful consideration to advice offered.

94 The Education Act 1993 amends the 1988 Act to require a SACRE to send a copy of any advice on RE to any grant–maintained school within its area which is required to use an agreed syllabus, including:

Education Reform Act 1988 s.11(12)

- any grant–maintained school equivalent to a voluntary aided school where the agreed syllabus is being taught at the request of parents; and
- any grant–maintained school which has chosen to use an alternative agreed syllabus.

A SACRE is also required to send a copy of any advice on religious worship to any grant–maintained school in the area equivalent to a county school. It must not charge a grant–maintained school for such advice.

s.11(11)

95 LEAs are encouraged to keep their SACRE fully informed on all matters relating to RE and collective worship in their schools. This should include, where appropriate, information on individual schools following inspection by the Office for Standards in Education (Ofsted) (paragraph 127).

96 The local SACRE will not automatically receive a copy of an inspection report, although the LEA will receive a copy of the report for any LEA–maintained school. It will be for the SACRE to obtain a copy of any report it wishes to examine from its LEA. A copy of the inspection report of any grant–maintained school may be obtained from the school at cost. In order to assist any SACRE which wishes to monitor inspection reports, Ofsted will ask all LEAs to pass on inspection lists to their SACRE. Ofsted will expand its current provision of inspection lists to include grant–maintained schools in the SACRE's area. Current plans are for the lists to be sent to LEAs one year before the term of inspection.

97 Some LEAs have given their SACRE a role in the local statutory complaints procedures (paragraph 134–139).

Education Reform Act 1988 s.23

SACRE annual report

98 Each SACRE must publish an annual report on its work. This should:

Education Reform Act 1988 s.11(9)

1 specify any matters on which it has advised the LEA; s.11(10)(a)

2 broadly describe the nature of that advice; and s.11(10)(b)

3 set out its reasons for offering advice on any matters which were not referred to it in the first place by the LEA. s.11(10)(c)

99 The 1993 Act amends the 1988 Act to require a SACRE to send a copy of its annual report to the new School Curriculum and Assessment Authority (SCAA). It would be helpful for reports to cover the academic year, and to be sent to the SCAA by 30 December each year. LEAs are encouraged to send copies of the annual report to schools, including grant–maintained schools, and to local teacher training institutions, particularly when a report makes reference to ITT or INSET, as well as making it available for public inspection.

Education Reform Act 1988 s.11(13)(a)

100 Details of more general information requirements are given at paragraph 144 forward.

Role of agreed syllabus conference

Education Act 1944
Schedule 5 para 1

101 For the purpose of preparing an agreed syllabus for religious education, an LEA must convene an agreed syllabus conference. A conference is a separate legal entity from a SACRE and, although common membership is permissible, it must be separately convened.

Education Act 1944
Schedule 5 para 7

Schedule 5 para 5

102 The role of a conference is to produce and recommend an agreed syllabus for RE which meets fully the requirements of the 1988 Act and is educationally sound (paragraphs 31–37). The task of producing a syllabus cannot be delegated except to a sub–committee which must include at least one member of each of the committees constituting the conference. This does not prevent a conference receiving advice or comment from outside groups or individuals. Only an agreed syllabus conference may recommend an agreed syllabus and its recommendation must be unanimously agreed by the committees constituting the conference.

Composition of SACRE and conference

Education Act 1944
Schedule 5 para 2 +
Education Act 1993 s.15+16
+ Education Reform Act
1988 s.11(4)

103 The 1993 Act, by amending the 1944 and 1988 Acts, alters the composition of both a SACRE and an agreed syllabus conference to include, in certain circumstances (paragraph 105), a fifth group or committee. A SACRE and a conference are each to comprise four or five groups or committees representing, respectively:

A Christian denominations and other religions and religious denominations[11], the number of whose representatives shall, 'so far as consistent with the efficient discharge of the committee's functions, reflect broadly the proportionate strength of that denomination or religion in the area' (paragraphs 111–112);

B the Church of England;

C such associations representing teachers as, in the opinion of the authority, ought to be represented, having regard to the circumstances of the area;

D the local education authority;

E under certain circumstances (paragraph 105), the governing bodies of those grant–maintained schools equivalent to county or voluntary controlled schools.

Education Reform Act 1988
s.11(3)(b)
s.11(3)

On a SACRE, until Group E is formed, any such grant–maintained schools should appoint a person to represent them (paragraphs 106–107). A SACRE may also include co–opted members, who are not members of any of the five groups. There is no provision for an agreed syllabus conference to include co–opted members.

11 The 1993 Act amends references to 'denominations' throughout the Education Acts to 'religions and religious denominations' in order to clarify the term in line with references in the Further & Higher Education Act 1992.

Representation on committee or group A of groups other than religions or religious denominations

104 The inclusion of representatives of belief systems such as humanism, which do not amount to a religion or religious denomination, on committee A of an agreed syllabus conference or group A of a SACRE would be contrary to the legal provisions referred to at paragraph 103.

Education Act 1944 Schedule 5 para 2(a) + Education Reform Act 1988 s.11(4)(a)

Reconstitution of SACRE and conference

105 Within six months of the date when responsibility for securing school places in either the primary or the secondary phase in an area transfers to the Funding Agency for Schools, the local authority must reconstitute its SACRE and any agreed syllabus conference in existence at the time of the transfer. The reconstituted SACRE and conference will each include a fifth committee or group (paragraph 103) to represent relevant grant–maintained schools. This transfer will normally occur when at least 75% of the school places in an area in either the primary or the secondary sector are in grant–maintained schools, unless the Secretary of State has approved a request from an LEA that such a transfer should take place earlier.

Education Act 1993 s.12(1)(b) s.16+15

Grant–maintained school representation and consultation

106 Prior to the reconstitution of a SACRE under the arrangements at paragraph 105, grant–maintained schools equivalent to county or voluntary controlled schools will be represented on a SACRE by a person appointed by them. Once a grant–maintained group has been set up, however, this no longer applies.

Education Reform Act 1988 s.11(3)(b) Education Act 1993 s.16(3)(a)

107 There is no provision for an agreed syllabus conference, prior to the reconstitution described at paragraph 105, to include a person representing grant–maintained schools. However, the 1993 Act requires that, prior to recommending the adoption of an agreed syllabus, a conference should consult with any grant–maintained schools in its area that are using the LEA's agreed syllabus.

Education Act 1993 s.146

Decision–making

108 On any question to be decided by a SACRE the representative groups listed in paragraph 103 each have a single vote. The grant–maintained school representative (prior to the establishment of a grant–maintained schools group) and co–opted members do not have a vote. Decisions within a group about how that vote is to be cast do not require unanimity. Each group is to regulate its own proceedings, including provision for resolving deadlock.

Education Reform Act 1988 s.11(6)

109 This applies equally to an agreed syllabus conference, or to any sub–committee it may appoint; although all committees of a conference must unanimously agree to recommend an agreed syllabus to the LEA (paragraph 27).

Education Act 1944 Schedule 5 para 8 Schedule 5 para 9

Appointments to committee and group

110 It is the LEA who appoints the members of the five committees or groups described in paragraph 103.

Education Act 1944 Schedule 5 para 2 + Education Reform Act 1988 s.11(4)

Education Act 1944 Schedule 5 para 2 + Education Reform Act 1988 s.11(5)

111 The 1993 Act amends the 1944 and 1988 Acts to require the LEA to ensure that the composition of committee A of an agreed syllabus conference and group A of a SACRE (Christian denominations and other religions and denominations of such religions) should be representative of the local community. The numbers of representatives of each denomination and religion are required to reflect broadly the proportionate strength of that denomination or religion in the local area, so far as this is consistent with the efficient discharge of the functions of the committee or group. The statutory provisions therefore recognise that there will be occasions when the interests of efficiency override the requirement for directly proportionate representation.

Education Act 1993 s.254 + 255

112 Each LEA must reconstitute in this way, by 1 October 1994, any agreed syllabus conference that is convened and has yet to make a recommendation, and its SACRE. In determining the composition of committee or group A, an LEA may wish to take into account any records of the religious affiliation of members of the local community. Some national religious organisations may be able to assist by reference to their own records.

Education Act 1944 Schedule 5 para 3 + Education Reform Act 1988 s.13(1)

113 In appointing the other committees or groups, the LEA must take all reasonable steps to assure itself that the persons so appointed are representative of the Church of England, teacher associations or schools in question. The distinct legal identity of the SACRE and the conference means that appointments for the separate bodies will need to be canvassed separately. The LEA should consult locally before appointments are made; and there would be advantage in ensuring that members representing associations of teachers include teachers of religious education.

Education Act 1993 s.16(5)+15(5)

16(6)+15(6)

114 The group or committee representing relevant grant-maintained schools should be appointed by the LEA, where possible from those jointly nominated by the governing bodies of the relevant schools themselves, including any which has chosen not to use the local syllabus. The LEA has the power to remove from the SACRE or conference any representative of relevant grant-maintained schools who, in the LEA's opinion ceases to be acceptable to a majority of the governing bodies of the relevant schools. Any replacement should be appointed in the same way as the original appointee.

Chairman of SACRE and conference

115 The law does not prescribe how the chairman of a SACRE or conference should be appointed. This is a matter for the LEA. It is open to an authority to appoint the chairman, or to allow a SACRE or conference to appoint its own chairman from amongst its members. In the absence of express provision to the contrary, however, the duty of the LEA to convene a conference or to constitute a SACRE should be taken as encompassing the right to appoint a chairman.

Education Act 1993 Schedule 5 para 1 Education Reform Act 1988 s.11(1)

116 If a conference or SACRE is to function effectively it is important that as far as possible the appointed chairman has the confidence of all members. If the LEA chooses to appoint a chairman, it is exercising a public function and should be prepared to listen to any representations as to who should be appointed or as to why its nominee should not be appointed.

Funding of SACRE and conference

117 The LEA's duty to convene a conference or to constitute a SACRE implies a duty to fund each of these bodies satisfactorily. That means each LEA should provide a clerk for each body and sufficient funds for it to perform its functions. The LEA should satisfy itself that such arrangements are adequate for the performance of each body's functions. No charges should be made of grant–maintained schools for the services of a SACRE or conference. It is for the LEA to determine what advice and support to provide for its SACRE and conference.

Education Act 1944 Schedule 5 para 1 + Education Reform Act 1988 s.11(1)

Meeting in Public

118 The 1993 Act provides for the Secretary of State to make regulations to require both a SACRE and an agreed syllabus conference to meet in public. Following consultation, the Secretary of State intends to lay regulations which will, following Parliamentary approval, require both bodies: to meet in public, except in certain circumstances where it seems to him to be more appropriate for the matters under discussion to be considered in private; to give notice of meetings; and to make relevant documents, such as agendas and reports, available to the public.

Education Act 1993 s.258

119 Schedule 5 of the 1944 Act (as amended) which details the procedure for bringing into operation an agreed syllabus for RE is at Annex F. The legal requirements for the constitution of a SACRE are given in full at Annex H.

Public Accountability

Aims

120 The Citizen's Charter emphasises principles of accountability, availability of information and responsiveness to local needs. The Parent's Charter applied these principles to schools and they apply equally to the provision of RE and collective worship, which should meet the needs of local communities effectively.

Provision of information – general

Education Reform Act 1988 s.22

121 LEAs, governing bodies and head teachers are required by regulations made under the 1988 Act to provide certain information to the Secretary of State, parents and other specified persons. Some of the general information which will be required – for example on the organisation of the curriculum – will automatically cover RE and collective worship. Full details of this general information are contained in circulars 14/89, 4/93, 5/93 and 16/93[12].

Information available to the public at schools

SI 954/1989 reg 6

122 The head teacher is required under the Education (School Curriculum and Related Information) Regulations 1989 to make readily available to parents and others:

- in the case of any school required to use one, the appropriate LEA agreed syllabus for RE; or
- in the case of an LEA–maintained voluntary or equivalent grant–maintained school, a copy of that part of the trust deed which governs the provision of RE and any other written statement which may have been prepared about arrangements for RE, including any syllabus in use in the school.

Information in the school prospectus

SI 1502/1993 reg 8

123 All maintained schools are required under the Education (School Information) (England) Regulations 1993 to include in their annual prospectus information about:

- the ethos of the school which underpins pupils' spiritual, moral, cultural and social development;
- the RE and collective worship provided at the school;

12 Circular 14/89 'The Education (School Curriculum and Related Information) Regulations 1989'; Circular 4/93 'The Parent's Charter: Publication of Information about Secondary Performance in 1993'; Circular 5/93 'The Parent's Charter: Publication of Information about Primary Performance' and Circular 16/93 'Reports on Pupils' Achievements'.

- parents' rights to withdraw their children from religious education and collective worship, either in whole or in part, and any alternative provision for pupils who are withdrawn;
- where relevant, whether a determination has been granted lifting the requirement for broadly Christian worship at a county school or equivalent grant–maintained school, either for specified groups of pupils or for the whole school; and
- where relevant, the school's affiliations with a particular religion, or religious denomination.

124 Circulars 4/93 and 5/93 give guidance on the information to be made available in secondary and primary schools respectively. It is for governing bodies to decide in what form and at what length to make this information available to parents. It is expected, however, for county and equivalent grant–maintained schools that information about collective worship includes whether any collective worship will be provided that is not of a broadly Christian character or which includes non–Christian elements within it.

Information to parents in reports

125 A head teacher is required under the Education (Individual Pupils' Achievements) (Information) Regulations 1992 to send parents an annual written report on their child's progress. Unless a pupil has been withdrawn from RE, reports must contain details of the pupil's progress in RE.

SI 3182/1992

126 Guidance on the requirements of the reporting regulations is given in Circular 16/93.

Inspection of schools

127 The Education (Schools) Act 1992 introduced a new system of independent four yearly school inspections starting, for secondary schools, in September 1993 and, for others, a year later. Inspections will cover, among other things:

SI 1986/1993 reg 4

- the quality of education and standards achieved;
- the ethos of the school;
- the spiritual, moral, cultural and social development of its pupils; and
- whether a school is meeting the law in providing RE and a daily act of collective worship.

An inspection report is published and the governing body, in most cases, must draw up an action plan setting out how it intends to follow up the inspection, and how it intends to address any difficulties in providing RE or daily collective worship. The arrangements for inspection of denominational education and worship are explained below. Full details of the new arrangements are given in Circular 7/93 and in its revised annexes[13].

13 Circular 7/93 'Inspecting Schools: a guide to the inspection provisions of the Education (Schools) Act 1992 in England' and revised annexes issued under cover of the Department's letter of 25 September 1993.

Education (Schools) Act 1992 s.9

128 Her Majesty's Chief Inspector, who heads a separate government department, the Office for Standards in Education (Ofsted), is responsible for arranging inspections, conducted by a Registered Inspector whom he has appointed, and for maintaining standards. Ofsted's Framework of Inspection is sent to a school before an inspection.

Inspection of denominational RE and collective worship

129 Denominational religious education and/or collective worship (given in certain voluntary and equivalent grant–maintained schools) has for many years been subject to different inspection arrangements under the control of governors and the 1992 Schools Act preserved that position.

Education (Schools) Act 1992 s.13(3A)

130 Denominational RE (newly defined in the 1992 Schools Act as amended by the 1993 Act) and collective worship must also be inspected at four yearly intervals, but the governors (the foundation governors in a controlled school) rather than Her Majesty's Chief inspector are responsible for arranging the inspection by an inspector of their choice. The inspector need not be a Registered Inspector, but may be if governors wish.

Education (Schools) Act 1992 s.13(3)+(4)

131 This 'section 13' inspection must cover:

- denominational RE in:
  - a voluntary aided, special agreement or equivalent grant–maintained school (that is a school which is not legally obliged to teach RE in accordance with an agreed syllabus, even if it chooses to do so (paragraph 23));
  - a voluntary controlled or equivalent grant–maintained school where, at the request of a parent, RE is being provided in accordance with its trust deed or former practice (paragraph 23); and
- collective worship in a voluntary, special agreement or equivalent grant–maintained school.

132 The Registered Inspector has the duty (paragraph 127) to report on the spiritual, moral, social and cultural development of pupils in all schools. A Registered Inspector cannot inspect the denominational RE or the content of the collective worship which fall to be inspected under section 13. In such cases, therefore, the Registered Inspector will only note whether a school meets the requirements of the law to provide the RE and/or the daily act of collective worship to which section 13 applies. The 'section 13' inspection may also report on pupils' spiritual, moral, social and cultural development.

Education (Schools) Act 1992 s.13(7)

SI 1986/1993 reg 11

133 The 'section 13' inspection report is also published and a summary sent to parents. The governing body must publish an additional action plan.

Local complaints procedure

134 Concerns expressed by parents and others about the school curriculum and related matters, including RE and collective worship, will normally be considered and, so far as is possible, dealt with in informal discussion with teachers and head teachers in the first instance. There will, however, be cases where such concerns cannot be resolved informally, and will fall to be considered as formal complaints.

135 Under the 1988 Act each LEA and grant–maintained school has a local complaints procedure for the consideration of any formal complaint. The purpose of the procedure is to offer parents and others a readily accessible and clearly understood local route through which to pursue any complaint about the school curriculum, including RE and collective worship, and related matters, such as the establishment of a SACRE or review of an agreed syllabus. Full details for LEAs are set out in Circular 1/89[14] and for grant–maintained schools in Fact sheet A3[15].

Education Reform Act 1988 s.23+58

136 Each LEA must have a contact officer to advise on the arrangements which apply to LEA–maintained schools. LEAs should publicise their arrangements widely and some LEAs have produced leaflets explaining how to make a complaint. In addition, a full copy of the local complaints procedure should be available in each school, including grant–maintained schools, and the school prospectus must include a reference to it.

137 The stages of the procedure are generally as follows:

Complaint about LEA–maintained school's duties	**Complaint about grant–maintained school's duties**	**Complaint about LEA's duties**
LEA contact officer	Consideration by head teacher	LEA contact officer
Consideration by governing body	Consideration by governing body	–
Consideration by LEA	–	Consideration by LEA

138 The complaints procedure of an LEA should fully acknowledge the rights of the governing bodies of voluntary and special agreement schools in respect of their responsibility for RE and religious worship.

139 Concern has been expressed that the current arrangements for handling complaints may inhibit parents and others in resolving satisfactorily their concerns about this aspect of school provision. LEAs and grant–maintained schools should ensure that:

- local arrangements are straightforward and not daunting to those who wish to make a complaint; and
- decisions are reached as quickly as is consistent with the proper consideration of the complaint.

A complainant may make a complaint through a third party and be accompanied by that party when representations are made at each stage.

14 Circular 1/89 'Education Reform Act 1988: local arrangements for the consideration of complaints'.

15 Fact sheet A3 'Curriculum complaints: arrangements for the consideration of complaints about the curriculum in grant–maintained schools'.

Complaints to the Secretary of State

Education Act 1944 s68+99

Education Reform Act 1988 s.23(2)

140 A complainant who remains dissatisfied after the complaint has been fully considered under the arrangements described above will still be able to make a complaint to the Secretary of State under section 68 or 99 of the Education Act 1944. However, the Secretary of State will not be able to entertain any such complaint unless it has first been through all the stages of approved local arrangements.

Teachers

Aims

141 Teachers play a crucial part in the moral and spiritual development of pupils and make a vital contribution to the ethos of the school. Some teachers, in addition to RE specialists, will also contribute to these aims by teaching RE and leading worship, but teachers cannot be required to teach RE or lead or attend worship except where the law provides otherwise in relation to some teachers in voluntary and equivalent grant–maintained schools.

Duties

142 The Education Act 1944, with certain specific exceptions in the case of teachers in voluntary aided schools and reserved teachers in voluntary controlled and special agreement schools, provides that teachers should not be disqualified from employment or discriminated against in terms of pay or promotion on the grounds of their religious opinions or practice in participating or not participating in acts of worship or religious education. The Education Act 1993 applies these provisions to grant–maintained schools. When a school becomes grant–maintained, the provisions of section 30 of the Education Act 1944 applying to a teacher under the former status of the school continue to apply as long as he or she is employed as a teacher at the school.

Education Act 1944 s.30

Education Act 1993 s.143–145

s.144(4)

143 One of the duties incorporated into the contracts of all teachers by the School Teachers' Pay and Conditions Document is attending assemblies. This duty is subject to teachers' freedom under the 1944 Act not to attend collective worship. So a head teacher may require any teacher to attend parts of a school assembly when collective worship is not taking place – for example the giving out of notices – but could only require a teacher to attend collective worship if that teacher was in one of the excepted categories noted in the preceding paragraph.

Education Act 1944 s.30

144 The safeguards noted above apply to head teachers as to all other teachers. Head teachers have a duty under the 1988 Act to see that the law on collective worship and RE is complied with in their school, but except in the cases specified in the 1944 Act they cannot be penalised for not taking part in the provision of either.

Education Act 1988 s.10(1)

Education Act 1944 s.30

145 In planning staffing and staff development, the governing body must take account of its duty under the 1988 Act to exercise its functions with a view to securing that all pupils take part in daily collective worship and that RE is taught. The provisions described above (paragraphs 142–144) do not prevent the governing body from taking account of a candidate's willingness to teach RE or lead collective worship in drawing up job descriptions for particular posts, and in recommending and appointing teachers. Willingness to teach RE or lead collective worship should not, however, be a requirement of a post, although willingness to teach RE must obviously be a requirement when advertising for specialist RE teaching posts.

Education Reform Act 1988 s.10(1)

Education Reform Act 1988
s.2(1)(a)+6(1)

146 It is for the head teacher, where there are insufficient teachers in a school who are prepared to teach RE or lead an act of collective worship, to ensure that the requirements for these activities are nevertheless met. In these circumstances, head teachers might wish to seek advice from their LEA or SACRE.

147 As regards collective worship, in such circumstances all reasonable steps should be taken by the head teacher to find appropriate people from the local community who would be willing and able to lead collective worship. Account should be taken, however, not only of the willingness of such persons to lead collective worship, but also of:

- a person's ability to conduct such an act of worship for pupils of the family backgrounds, ages and aptitudes concerned; and
- the extent to which any costs would fall to the LEA or school.

148 Senior pupils may also lead acts of collective worship where that seems appropriate.

149 Whatever arrangements are made, however, nothing overrides the school's responsibility in relation to the health and safety of pupils. Head teachers will wish, for example, to consider the need for the presence of a member of staff at acts of worship being led by individuals from outside the school.

Initial Teacher Training and the Professional Development of Teachers

Aims

150 The Government wants to ensure that teachers who teach RE and lead collective worship are equipped to do so effectively and well.

Initial teacher training

151 Circular 14/93[16] sets out new criteria for courses of primary initial teacher training (ITT) and specifies the competencies expected of all newly–qualified teachers (NQTs), including acquisition of 'the necessary foundation to develop a readiness to promote the spiritual, moral, social and cultural development of pupils'. The Circular also encourages the development of varied training routes, including courses giving a substantial grounding in six subjects at undergraduate level, which may include RE; and more specialist courses for those who aspire to a role as RE co–ordinator or specialist RE teacher. SI 543/1993

152 Those training for secondary school teaching may specialise in RE. ITT should prepare such students to teach RE in accordance with statutory requirements and syllabuses in schools. Circular 9/92[17] on secondary ITT sets out the competencies expected of NQTs. It specifies that all NQTs should have acquired in initial training 'the necessary foundation to develop a readiness to promote the spiritual and moral well–being of pupils'. SI 543/1993

Professional development of teachers

153 School development plans should identify staff development needs related to RE and collective worship. Depending on their status, schools may receive advice on staff development issues from the SACRE, LEA advisory staff and various denominational sources. The same bodies may offer training courses for serving teachers and other opportunities for professional development, as will a range of other providers. Before investing in staff development, schools should make sure that it will meet the needs they have identified.

Grants for Education Support and Training programme

154 The Government supports teachers' further professional development through the Grants for Education Support and Training (GEST) specific grants programme. The programme includes:

16 Circular 14/93: 'The Initial Training of Primary School Teachers: New Criteria for Courses'.

17 Circular 9/92: 'Initial Teacher Training (Secondary Phase)'.

- in 1993–94, general support for the basic curriculum and assessment; and attendance on 10–day designated courses for primary curriculum co–ordinators, including RE co–ordinators, to enhance their curriculum leadership skills;
- in 1994–95, general support for the basic curriculum and assessment, a proportion of which may be retained by LEAs to help introduce agreed syllabuses which are new in the 1994–95 school year; and support for attendance on a wider range of designated courses, including some to enhance the subject knowledge of primary RE co–ordinators and primary RE specialists.

It is open to schools and LEAs to make additional support available for professional development. This may be targeted at local priorities that are not reflected in the GEST programme. Full details are to be found in Circulars 10/92 and 10/93[18].

Grant–maintained schools: Special Purpose Grant

155 Grant–maintained schools receive support for professional development through a different specific grant called Special Purpose Grant (Development). All grant–maintained schools are eligible for SPG(D). Schools must spend at least 50% on basic curriculum activities and at least 50% must be spent on staff development. It is for individual schools to determine what to spend on professional development for RE, but they are encouraged to have regard to the priorities identified in the current GEST programme.

Geoffrey Holland.

SIR GEOFFREY HOLLAND KCB

18 Circular 10/92 'Grants for Education Support and Training programme 1993–94'; Circular 10/93 'Grants for Education Support and Training programme 1994–95'.

Annex A

Types of Grant–maintained School

1 For the purposes of the requirements for RE and collective worship described in this circular, there are five types of grant–maintained school:

1 a grant–maintained school which was formerly an LEA–maintained county school;

2 a grant–maintained school which was formerly voluntary controlled;

3 a grant–maintained school which was formerly voluntary aided or special agreement;

4 a new grant–maintained school established under section 48 of the Education Act 1993 or under section 49 of that Act where no provision is made for the religious education for pupils at the school either in the trust deed or any statement; such a school is described in this circular as 'equivalent to a county school'; and

5 a new grant–maintained school established under section 49 of the Education Act 1993 where either the trust deed or any statement makes provision for the religious education for pupils at the school; such a school is described in this circular as 'equivalent to a voluntary aided school'.

2 If the governing body of a grant–maintained school wishes to make a significant change in its character, it must first publish proposals under section 89 of the Education Reform Act 1988 and obtain the Secretary of State's approval. The Secretary of State considers that a change in the religious character of the school is a significant change of character and that where a school has trustees, their written permission must be given before proposals are published for such a change. Where applicable, the governors of what was formerly a voluntary school are asked to consult the relevant Diocesan authority taking due account of the requirements of the Diocesan Education Measure 1991.

3 From 1 April 1994 the statutory requirement for grant–maintained schools to publish proposals for a significant change of character falls under section 96 of the Education Act 1993. There will be a similar requirement to obtain the prior written consent of any trustees, together with a new statutory duty for governing bodies to consult such persons as appear to them to be appropriate before publishing proposals. In discharging their duty governing bodies must have regard to any guidance given them from time to time by the Secretary of State. The Department's current guidance, given in Fact sheets A9 and A9a[1] recommends that Diocesan authorities be consulted at an early stage on any proposals which could have implications for voluntary schools in the area.

1 Fact sheets A9 and A9a 'Change of character or enlargement of premises section 89 of the Education Reform Act 1988/ supplementary guidance.'

4 On 1 April 1994 the Funding Authority for Schools (FAS) will, under section 97 of the Education Act 1993, have the power to publish proposals for a significant change of character in grant–maintained schools in those LEA areas where the FAS is either sharing responsibility for primary or secondary school provision with the LEA or has overall responsibility for such provision. The FAS will not, however, be able to publish proposals to make a significant change in the religious character of a school.

5 The effect of section 141 of the Education Act 1993 is that, if a change in the religious character of a school is approved by the Secretary of State, the RE provisions of the Act will apply in accordance with its new character. Thus, for example, if the governing body:

1 of a former county or controlled school has proposals approved that RE shall be in accordance with the tenets of a particular religious denomination, the RE at the school is to be in accordance with section 140 of the 1993 Act;

2 of a former aided school has proposals approved that RE shall not be in accordance with the tenets of a particular religious denomination, the RE at the school is to be in accordance with section 138 of the 1993 Act.

Annex B

Special Schools

Religious education and collective worship

1 The Education Act 1993 states that regulations shall provide that, so far as practicable, every pupil should receive religious education and attend religious worship; or will be withdrawn from attendance at such worship or from receiving such education, in accordance with the wishes of the pupil's parent.

2 The current regulations are in Schedule 2 to the Education (Approval of Special Schools) Regulations 1983. From 1 April 1994, these will be replaced by the Education (Special Schools) Regulations 1994 which will contain identical requirements. The Regulations apply to all maintained, grant–maintained and non–maintained special schools.

3 Similar provisions will be contained in the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994 from 1 April 1994 in respect of independent schools approved to cater for children with statements of special educational needs.

Annex C

City Technology Colleges

Religious education and collective worship

1 The provisions of the Education Acts relating to religious education and collective worship do not apply to city technology colleges and city colleges for the technology of the arts. These schools are independent schools but, as a condition of grant, they are required to make provision for religious education and collective worship which is broadly in line with that in maintained schools. The requirements are set down in the funding agreements which, under section 105 of the Education Reform Act 1988, the Secretary of State enters into with those establishing and running such colleges.

Annex D

Sixth Form Colleges in the Further Education Sector

Religious education

1 Section 45 of the Further and Higher Education Act 1992 requires the governing body of every further education institution, except an institution which on 30 September 1992 was a college of further education, to ensure that religious education is provided at the institution for all students who wish to receive it. Section 45(3) says that the governing body will be deemed to be fulfilling its duty if RE is provided at a time or times at which it is convenient for the majority of full–time students to attend.

2 For the purposes of section 45 RE may take the form of lectures or classes or of single lectures or classes provided on a regular basis and may include a course of study leading to an examination or the award of a qualification.

3 The Act requires the governing body of each institution to determine from time to time the form and content of RE provided.

- In the case of a former voluntary sixth form college or a former grant–maintained school which was a voluntary school before it became grant–maintained, the form and content must be in accordance with the provisions of any trust deed affecting the institution and must not be contrary to the religious traditions of the institution before it became a further education institution.

- In the case of all further education institutions to which section 45 applies, the form and content of religious education provided must reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in Great Britain.

Collective worship

4 Section 44 of the Further and Higher Education Act 1992 requires the governing body of every further education institution, except an institution which on 30 September 1992 was a college of further education, to ensure that, at an appropriate time on at least one day in each week during which the institution is open, an act of collective worship, which students may attend, is held at the institution.

5 In a former voluntary sixth form college or a former grant–maintained school which was a voluntary school before it became grant–maintained, the act of collective worship must be in a form which complies with the provisions of any trust deed affecting the institution and reflect the religious traditions and practices of the institution before it became a further education institution. In all other further education institutions to which section 44 applies, the act of collective worship must be wholly or mainly of a broadly Christian character in that it shall reflect the broad traditions of Christian belief but need not be distinctive of any particular Christian denomination.

6 If the governing body of a further education institution consider it appropriate it may, in addition to the acts of collective worship referred to in paragraph 5, provide for acts of worship which reflect the practices of some or all of the other religious traditions represented in Great Britain.

Inspection

7 The inspectorate of the Further Education Funding Council will:

- confirm the arrangements made by colleges in response to sections 44 and 45 of the Further and Higher Education Act 1992; and
- comment on the quality of religious education and acts of worship seen during full college inspections.

Annex E

Section 26–29 of the Education Act 1944 as Amended by The Education Reform Act 1988

26.– (1) In the case of a county school the provision for religious education for pupils at the school which is required by section 2(1)(a) of the Education Reform Act 1988 to be included in the school's basic curriculum shall be provision for religious education in accordance with an agreed syllabus adopted for the school or for those pupils.

(2) No such syllabus shall provide for religious education to be given to pupils at such a school by means of any catechism or formulary which is distinctive of any particular religious denomination; but this provision is not to be taken as prohibiting provision in such a syllabus for the study of such catechisms or formularies.

(3) Subsection (4) below applies where a county secondary school is so situated that arrangements cannot conveniently be made for the withdrawal of pupils from the school in accordance with section 9 of that Act to receive religious education elsewhere.

(4) If in any such case the local education authority are satisfied–

(a) that the parents of pupils in attendance at the school desire them to receive religious education in the school in accordance with the tenets of a particular religion or religious denomination; and

(b) that satisfactory arrangements have been made for the provision of such education to those pupils in the school, and for securing that the cost of providing such education to those pupils in the school will not fall upon the authority;

the authority shall, unless they are satisfied that owing to any special circumstances it would be unreasonable to do so, provide facilities for the carrying out of those arrangements.

27.– (1) Where the parents of any pupils in attendance at a controlled school request that they may receive religious education in accordance with the provisions of the trust deed relating to the school, or where provision for that purpose is not made by such a deed in accordance with the practice observed in the school before it became a controlled school, the foundation governors shall, unless they are satisfied that owing to special circumstances it would be unreasonable so to do, make arrangements for securing that such religious education is given to pupils at the school during not more than two periods in each week.

(2) Without prejudice to the duty to make such arrangements as aforesaid whatever the number of the teaching staff of the school, where the number of the teaching staff of a controlled school exceeds two the teaching staff shall include persons (hereinafter referred to as 'reserved teachers') selected for their fitness and competence to give such religious education as is required to be given under such arrangements and specifically appointed to do so. Provided that the number of reserved teachers in any controlled school shall not exceed one–fifth of the number

of the teaching staff of the school including the head teacher, so, however, that where the number of the teaching staff is not a multiple of five it shall be treated for the purposes of this subsection as if it were the next higher multiple thereof.

(3) The head teacher of a controlled school shall not, while holding that position, be a reserved teacher, [but before appointing any person to be the head teacher of such a school the local education authority shall inform the governors of the school as to the person whom they propose to appoint and shall consider any representations made by the governors with respect to the proposed appointment].

(4) Where the local education authority propose to appoint any person to be a reserved teacher in a controlled school, the authority shall consult the foundation governors of the school, and, unless the said governors are satisfied as to the person's fitness and competence to give such religious education as is required in pursuance of such arrangements as aforesaid the authority shall not appoint that person to be a reserved teacher.

(5) If the foundation governors of a controlled school are of opinion that any reserved teacher has failed to give such religious education as aforesaid efficiently and suitably, they may require the authority to dismiss him from employment as a reserved teacher in the school.

(6) In the case of a controlled school the provision for religious education for pupils at the school which is required by section 2(1)(a) of the Education Reform Act 1988 to be included in the school's basic curriculum shall be provision for religious education–

(a) in accordance with any arrangements made under subsection (1) of this section; or

(b) subject to any such arrangements, in accordance with an agreed syllabus adopted for the school or for those pupils.

[Note : the words in square brackets in subsection (3) are prospectively repealed by the Education (No 2) Act 1986, and do not apply to controlled schools which have adopted new instruments and articles of government under the Act].

28.– (1) In the case of an aided or special agreement school the provision for religious education for pupils at the school which is required by section 2(1)(a) of the Education Reform Act 1988 to be included in the school's basic curriculum shall be provision for religious education–

(a) in accordance with any provision of the trust deed relating to the school or, where provision for that purpose is not made by such a deed, in accordance with the practice observed in the school before it became a voluntary school; or

(b) in accordance with any arrangements under this section.

(1A) Subject to subsection (1C) of this section, the religious education given to pupils at such a school shall be under the control of the governors of the school.

(1B) Where the parents of pupils in attendance at such a school–

(a) desire them to receive religious education in accordance with any agreed syllabus adopted by the local education authority; and

(b) cannot with reasonable convenience cause those pupils to attend any school at which that syllabus is in use;

then, unless the authority are satisfied that owing to any special circumstances it would be unreasonable to do so, arrangements shall be made for religious education in accordance with that religious education in the school in accordance with the provision for that purpose included in the school's basic curriculum by virtue of section 2(1)(a) of that Act.

(1C) Those arrangements shall be made by the governors of the school, unless the local education authority are satisfied that the governors are unwilling to make the arrangements, in which case they shall be made by the authority.

(2) If a teacher appointed to give in an aided school religious education, other than education in accordance with an agreed syllabus, fails to give such education efficiently and suitably, he may be dismissed on that ground by the governors of the school without the consent of the local education authority.

(3) Where the special agreement made with respect to any special agreement school provides for the employment of reserved teachers, the local education authority shall, when they propose to appoint any person to be such a teacher in the school, consult the foundation governors of the school, and unless the said governors are satisfied as to that person's fitness and competence to give such religious education as aforesaid, the authority shall not appoint that person to be such a teacher.

(4) If the foundation governors of a special agreement school are of opinion that any such reserved teacher as aforesaid has failed to give, efficiently and suitably, such religious education as he was appointed to give, they may require the authority to dismiss him from employment as a reserved teacher in the school.

29. – (1) The provisions of the Fifth Schedule to this Act shall have effect with respect to the preparation, adoption, and reconsideration, of an agreed syllabus of religious education.

Annex F

Schedule 5 of the Education Act 1944 as Amended by The Education Reform Act 1988 and Education Act 1993[2]

1. For the purpose of preparing any syllabus of religious education to be adopted by a local education authority, the authority shall cause to be convened a conference constituted in accordance with the provisions of this Schedule.

2. For the purpose of constituting such a conference as aforesaid, the local education authority shall appoint constituent bodies (hereinafter referred to as 'committees') consisting of persons representing respectively–

   (a) such Christian **denominations and other religions and denominations of such religions** as, in the opinion of the authority, will appropriately reflect the principal religious traditions in the area;

   (b) except in the case of an area in Wales or Monmouthshire, the Church of England;

   (c) such associations representing teachers as, in the opinion of the authority, ought, having regard to the circumstances of the area, to be represented; and

   (d) the authority;

   Provided that where a committee is appointed consisting of persons representing the Church of England, the committee of persons appointed **under sub–paragraph (a) above** shall not include persons appointed to represent that Church **and the number of persons appointed to any committee under that sub–paragraph to represent each denomination or religion required to be represented shall, so far as is consistent with the efficient discharge of the committee's functions, reflect broadly the proportionate strength of that denomination or religion in the area.**

3. Before appointing a person to represent any **religion,** denomination or associations as a member of any such committee, a local education authority shall take all reasonable steps to assure themselves that he is representative thereof, but no proceedings under this Schedule shall be invalidated on the ground that a member of such a committee did not represent the denominations or associations which he was appointed to represent unless it is shown that the local education authority failed to take such steps as aforesaid.

2 1993 Act amendments in bold print.

4. A person so appointed may resign his membership of any such committee or may be withdrawn therefrom by the local education authority if in the opinion of the authority he ceases to be representative of the **religion,** denomination or associations which he was appointed to represent, or of the authority, as the case may be; and where a **person resigns or is withdrawn from the committee the authority shall appoint someone in his place in the same manner as that in which they made the original appointment.**

5. The conference shall consist of the committees aforesaid and it shall be the duty of the conference to seek unanimous agreement upon a syllabus of religious education to be recommended for adoption by the local education authority.

6. Where the local education authority propose to adopt more than one syllabus of religious education for use in schools maintained by them, the authority shall inform the conference as to the schools in which, or in the case of a syllabus intended to be used for certain pupils only, the class or description of pupils for which, the syllabus to be prepared by the conference is to be used.

7. Any sub–committees appointed by the conference shall include at least one member of each of the committees constituting the conference.

8. Upon any question to be decided by the conference or by any sub–committee thereof one vote only shall be given for each of the committees constituting the conference.

9. If the conference unanimously recommend any syllabus of religious education, the authority may adopt it for use in the schools for which, or for the class or description of pupils for which, it was prepared.

10. If the authority report to [the Secretary of State for Education] that the conference are unable to reach unanimous agreement as aforesaid, or if it appears to [the Secretary of State for Education] that an authority have failed to adopt any syllabus unanimously recommended to them by the conference, [the Secretary of State for Education] shall appoint to prepare a syllabus of religious education a body of persons having experience in religious education which shall, so far as is practicable, be of the like representative character as is required by paragraph 2 of this Schedule in the case of a conference.

11. The body of persons so appointed:

    (a) shall give to the authority, the conference, and every committee constituting the conference, an opportunity of making representations to it, but, save as aforesaid, may conduct the proceedings in such a manner as it think fit;

    (b) shall, after considering any such representations made to it, prepare a syllabus of religious education;

    (c) shall transmit a copy of the said syllabus to the authority and to [the Secretary of State for Education].

    and as from such date as [the Secretary of State for Education] may direct, the syllabus so prepared shall be deemed to be the agreed syllabus adopted for use in the schools for which, or for the class or description of pupils for which, it was prepared until a further syllabus is prepared for use in those schools, or for pupils of that class or description, in accordance with the provisions of this Schedule.

12. **(1) A local education authority shall cause a conference to be convened at any time required by sub–paragraph (2) or (3) of this paragraph for the purpose of reconsidering any agreed syllabus for the time being adopted by them which was adopted before the appointed day.**

(2) Where they adopted the syllabus before 29th September 1988, they shall convene a conference within the period of one year beginning with the appointed day.

(3) Where they adopted the syllabus on or after 29th September 1988, they shall convene a conference–

(a) within the period of five years beginning with the date on which they adopted it, or

(b) within the period of one year beginning with the appointed day,

whichever is the later.

(4) A local education authority shall from time to time cause further conferences to be convened for the purpose of reconsidering any agreed syllabus for the time being adopted by them (whether adopted before, on or after the appointed day); and no such conference shall be convened later than the expiry of the period of five years beginning with the date on or after the appointed day on which–

(a) the authority adopted the syllabus, or

(b) the authority gave effect to a recommendation under paragraph 13 of this Schedule that the syllabus should continue to be the agreed syllabus.

(5) In this paragraph–

(a) 'appointed day' means the day appointed for the commencement of section 256 of the Education Act 1993, and

(b) references to the date on which a local education authority adopt a syllabus include a reference to the date which the Secretary of State directs is to be the date from which a syllabus prepared under paragraph 11 of this Schedule is to be deemed to be the agreed syllabus.

13. (1) The following provisions of this paragraph apply where a local education authority cause such a conference to be convened for the purpose of reconsidering any agreed syllabus, whether under paragraph 12 of this Schedule or under section 11(8) of the Education Reform Act 1988 (obligation of authority to cause such a conference to be convened if required to do so by representative groups on standing advisory council for religious education).

(2) If the conference unanimously recommend that the existing syllabus should continue to be the agreed syllabus **and it appears to the local education authority that the syllabus 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**, the authority may give effect to the recommendation.

(3) If–

(a) the conference unanimously recommend a new syllabus to be adopted in substitution for the existing syllabus; and

(b) it appears to the authority that the new syllabus complies with section 8(3) of that Act (new agreed syllabus to reflect mainly Christian religious traditions);

the authority may give effect to the recommendation.

(4) If–

(a) the authority report to the Secretary of State that the conference are unable to reach unanimous agreement

(aa) the conference unanimously recommend that the existing syllabus should continue to be the agreed syllabus but the local education authority consider that sub–paragraph (2) of this paragraph prevents them from giving effect to the recommendation; or

(b) it appears to the Secretary of State that the authority have failed to exercise their power under sub–paragraph (2) or (3) above to give effect to the unanimous recommendation of the conference;

the Secretary of State shall proceed in accordance with the provisions of paragraph 10 of this Schedule, and paragraph 11 of this Schedule shall apply accordingly.

Provisions in section 15 of the Education Act 1993 for re–convening of conference

15.– (1) This section has effect in respect of the area of a local education authority if an order under section 12(1)(b) of this Act applies to the area.

(2) Within six months of the date of the first such order the local education authority shall reconvene any conference–

(a) which they have convened for the purpose set out in paragraph 1 or 12 of the Fifth Schedule to the Education Act 1944 (procedure for preparing and bringing into operation an agreed syllabus of religious education) or section 11(8) of the Education Reform Act (standing advisory councils on religious education), and

(b) to which subsection (3) below applies.

(3) This subsection applies to any conference–

(a) which has not made a recommendation under paragraph 9 or 13(2) of that Schedule, and

(b) in respect of which the authority have not made a report under paragraph 10 or 13(4) of that Schedule.

(4) Where a conference is convened (or reconvened) after the date of the order–

(a) paragraph 2 of that Schedule shall have effect as if it required the appointment of a committee, in addition to those listed in sub–paragraphs (a) to (d) of that paragraph, consisting of persons representing relevant grant–maintained schools, and

(b) section 146 of this Act shall have effect only in relation to grant–maintained schools, or pupils at such schools, at which the syllabus is in use in accordance with section 140(3) of this Act.

(5) Before appointing a person to represent relevant grant–maintained schools in accordance with subsection (4)(a) above, the local education authority shall take all reasonable steps to assure themselves that he is acceptable as such to the governing bodies of the majority of such schools; but no proceeding under that Schedule shall be invalidated on the ground that the person was not so acceptable unless it is shown that the local education authority failed to take such steps.

(6) A person so appointed may resign his membership of the committee or may, if in the opinion of the local education authority he ceases to be acceptable as a representative of relevant grant–maintained schools to the governing bodies of the majority of such schools, be withdrawn from the committee by the authority; and where a person resigns or is withdrawn from the committee the authority shall appoint someone in his place in the same manner as that in which they made the original appointment.

(7) For the purposes of this section, 'relevant grant–maintained schools' means those grant–maintained schools within the area of the local education authority to which section 138 or 139 of this Act applies.

Annex G

Collective Worship Requirements

Education Reform Act 1988, as amended by the Education Act 1993[3]

6. – (1) Subject to section 9 of this Act, all pupils in attendance at a maintained school shall on each school day take part in an act of collective worship.

(2) The arrangements for the collective worship in a school required by this section may, in respect of each school day, provide for a single act of worship for all pupils or for separate acts of worship for pupils in different age groups or in different school groups.

(3) The arrangements for the collective worship in a county or voluntary school required by this section shall be made –

(a) in the case of a county school, by the head teacher after consultation with the governing body; and

(b) in the case of a voluntary school, by the governing body after consultation with the head teacher.

(4) Subject to subsection (5) below, the collective worship in every maintained school required by this section shall take place on the school premises.

(5) If the governing body of –

(a) an aided or special agreement school; or

(b) a grant–maintained school;

are of opinion that it is desirable that any act of collective worship in the school required by this section should, on a special occasion, take place elsewhere than on the school premises, they may make such arrangements for that purpose as they think appropriate.

(6) The powers of a governing body under subsection (5) above shall not be so exercised as to derogate from the rule that, in every such school as is there mentioned, the collective worship required by this section must normally take place on the school premises.

(7) For the purposes of this section –

'maintained school' does not include a maintained special school; and

'school group' means any group in which pupils are taught or take part in other school activities.

7.– (1) Subject to the following provisions of this section, in the case of a county school the collective worship required in the school by section 6 of this Act shall be wholly or mainly of a broadly Christian character.

3 Amendments are in bold print.

(2) For the purposes of subsection (1) above, collective worship is of a broadly Christian character if it reflects the broad traditions of Christian belief without being distinctive of any particular Christian denomination.

(3) Every act of collective worship required by section 6 of this Act in the case of a county school need not comply with subsection (1) above provided that, taking any school term as a whole, most such acts which take place in the school do comply with that subsection.

(4) Subject to subsections (1) and (3) above –

(a) the extent to which (if at all) any acts of collective worship required by section 6 of this Act which do not comply with subsection (1) above take place in a county school;

(b) the extent to which any act of collective worship in a county school which complies with subsection (1) above reflects the broad traditions of Christian belief; and

(c) the ways in which those traditions are reflected in any such act of collective worship;

shall be such as may be appropriate having regard to any relevant considerations relating to the pupils concerned which fall to be taken into account in accordance with subsection (5) below.

(5) Those considerations are –

(a) any circumstances relating to the family backgrounds of the pupils concerned which are relevant for determining the character of the collective worship which is appropriate in their case; and

(b) their ages and aptitudes.

(6) Where under section 12 of this Act a standing advisory council on religious education determine that it is not appropriate for subsection (1) above to apply in the case of any county school, or in the case of any class or description of pupils at such a school, then, so long as that determination has effect –

(a) that subsection shall not apply in relation to that school or (as the case may be) in relation to those pupils; and

(b) the collective worship required by section 6 of this Act in the case of that school or those pupils shall not be distinctive of any particular Christian or other religious denomination (but this shall not be taken as preventing that worship from being distinctive of any particular faith).

12.– (1) It shall be the duty of the council on an application made by

(a) the head teacher of any county school; or

(b) the head teacher of any grant-maintained school to which section 138 of the Education Act 1993 applies and which is in the area of the local education authority which constituted the council

after consultation with the governing body, to consider whether it is appropriate for the requirement for Christian collective worship to apply in the case of that school, or in the case of any class or description of pupils at that school.

References in this section to the requirement for Christian collective worship are references to the requirement imposed by section 7(1) **of this Act or, as the case may be, section 138(2) of the Education Act 1993.**

(2) In determining whether it is appropriate for that requirement to apply in the case of any such school or in the case of any class or description of pupils at such a school, the council shall have regard to any circumstances relating to the family backgrounds of the pupils at the school or of the pupils of the particular class or description in question which are relevant for determining the character of the collective worship appropriate in their case.

(3) The council shall give any head teacher who has made an application to them under this section written notification of their decision on the application.

(4) Where the council determine on any application under this section that it is not appropriate for the requirement for Christian collective worship to apply in the case of the school or any class or description of pupils at the school concerned, that determination shall take effect for the purposes of section 7 **of this Act or, as the case may be, section 138 of the Education Act 1993** on such date as may be specified in the notification of their decision under subsection (3) above.

(5) Any determination of the council under this section by virtue of which the requirement for Christian collective worship does not for the time being apply in the case of any school or any class or description of pupils at any school shall be reviewed by the council –

(a) at any time on an application made by the head teacher of the school after consultation with the governing body; and

(b) in any event not later than the end of the period of five years beginning with the date on which the determination first took effect or (where it has since been reviewed under this subsection) with the effective date of the decision on the last such review.

(6) On any review under subsection (5)(b) above the council shall afford the head teacher an opportunity of making representations with respect to the determination under review; and the head teacher shall consult the governing body before making any such representations.

(7) On any review under subsection (5) above the council may confirm (with or without variation) or revoke the determination under review (without prejudice, in a case where they revoke the determination, to any further determination under this section); and they shall give the head teacher of the school written notification of their decision specifying the effective date of that decision for the purposes of subsection (5)(b) above.

(8) Any determination of the council which is required to be reviewed under subsection (5)(b) above shall cease to have effect, if not confirmed on such a review, at the end of the period there mentioned.

(9) The governing body of any county school **or of any grant–maintained school to which subsection (1) above applies,** on being consulted by the head teacher under this section if they think fit take such steps as they consider appropriate for consulting all persons appearing to them to be parents of registered pupils at the school.

(10) Any application made to the council under this section shall be made in such manner and form as the council may require.

(11) Where an application is made under subsection (1)(a) above in respect of a school which becomes a grant–maintained school before the application is determined, it shall, unless withdrawn by the head teacher, continue to be considered as if made under subsection (1)(b) above.

12A.–(1) Where the Secretary of State is satisfied, either on complaint by any person or otherwise, that any standing advisory council on religious education –

(a) have acted, or are proposing to act, unreasonably in determining for the purposes of subsection (1) or (5) of section 12 of this Act whether it is appropriate for the requirement for Christian collective worship to apply in the case of any school or any class or description of pupils at a school, or

(b) have failed to discharge any duty imposed under that section,

he may give the council such directions as to the revocation of the determination or the withdrawal of the proposed determination or (as the case may be) the discharge of the duty as appear to him to be expedient; and the council shall comply with the directions.

(2) Directions under subsection (1) above may provide for the making by the council of a new determination to take effect in place of the determination or proposed determination to be revoked or withdrawn by them.

(3) In this section, 'requirement for Christian collective worship' means the requirement imposed by section 7(1) of this Act or, as the case may be, section 138(2) of the Education Act 1993.

Annex H

Standing Advisory Councils on Religious Education: Constitution and Voting Arrangements

Subsections from section 11 of the Education Reform Act 1988, as amended by the Education Act 1993[4]

(3) The council shall consist of –

(a) the representative members required by subsection (4) below; and

(b) a person appointed by the governing bodies of the grant–maintained schools within the area of the local education authority to which section 138 or 139 of the Education Act 1993 applies,

and may also include co–opted members.

(4) Subject to subsection (5) below, the representative members required by this subsection are persons appointed by the authority to represent respectively –

(a) such Christian **denominations and other religions and denominations of such religions** as, in the opinion of the authority, will appropriately reflect the principal religious traditions in the area;

(b) except in the case of an area in Wales, the Church of England;

(c) such associations representing teachers as, in the opinion of the authority, ought, having regard to the circumstances of the area, to be represented; and

(d) the authority;

and the references below in this section to representative groups on the council are references to the members appointed by virtue of paragraphs (a), (c) and (d) above respectively and, where members are required to be appointed by virtue of paragraph (b) above, the members so appointed **and the number of members appointed to any representative group under paragraph (a) of that subsection to represent each denomination or religion required to be represented shall, so far as is consistent with the efficient discharge of the group's functions, reflect broadly the proportionate strength of that denomination or religion in the area.**

(5) Where members are required to be appointed by virtue of paragraph (b) of subsection (4) above, the representative members required by paragraph (a) of that subsection shall not include persons appointed to represent the Church of England.

4 Amendments are in bold print.

(6) On any question to be decided by the council only the representative groups on the council shall be entitled to vote, and each such group shall have a single vote.

(7) The representative groups on the council, other than that consisting of persons appointed to represent the authority, may at any time require a review of any agreed syllabus for the time being adopted by the authority.

Each representative group concerned shall have a single vote on the question of whether to require such a review.

Supplementary provisions in Section 13 of the 1988 Act

(1) Before appointing a person to represent any **religion,** denomination or associations as a member of the council the local education authority concerned shall take all reasonable steps to assure themselves that he is representative of the **religion,** denomination or associations in question.

(2) A member of the council appointed by the authority may be removed from membership by the authority if in the opinion of the authority he ceases to be representative of the **religion,** denomination or associations which he was appointed to represent or (as the case may be) of the authority.

(3) Any member of the council required by section (11)(3)(b) of this Act may at any time be removed from membership by the governing body or (as the case may be) by the governing bodies of the grant–maintained school or schools concerned.

(4) In subsection (3) of that section 'co–opted member' means a person co–opted as a member of the council by members of the council who have not themselves been so co–opted, and a person so co–opted shall hold office on such terms as may be determined by the members co–opting him.

(5) Any member of the council may at any time resign his office.

(6) Subject to subsection (6) of that section, the council and, in relation to any question falling to be decided by members of the council of any particular category, the members of that category may regulate their own proceedings.

(7) The validity of proceedings of the council or of the members of the council of any particular category shall not be affected –

(a) by a vacancy in the office of any member of the council required by subsection (3) of that section; or

(b) on the ground that a member of the council appointed to represent any **religion,** denomination or associations does not at the time of the proceedings represent the denomination or associations in question.

Provisions in section 16 of the Education Act 1993 for re–constitution of SACRE

(1) This section has effect in respect of the area of a local education authority if an order under section 12(1)(b) of this Act applies to the area.

(2) Within six months of the date of the first such order the local education authority shall constitute a new council under section 11 of the Education Reform Act 1988 (standing advisory councils on religious education).

(3) For the purposes of the constitution required by subsection (2) above (and of any subsequent constitution) that section shall have effect as if–

(a) subsection (3)(b) were omitted,

(b) subsection (4) required the appointment of a representative group, in addition to those listed in paragraphs (a) to (d) of that subsection, comprising persons representing relevant grant–maintained schools, and

(c) in subsection (7)–

(i) for 'that' there were substituted 'those', and

(ii) after 'to represent the authority' there were inserted 'or relevant grant–maintained schools'.

(4) For the purposes of subsection (3) above, 'relevant grant–maintained schools' means those grant–maintained schools within the area of the local education authority to which section 138 or 139 of this Act applies.

(5) Before appointing a person to represent relevant grant–maintained schools in accordance with subsection (3) above the local education authority shall take all reasonable steps to assure themselves that he is acceptable as such to the governing bodies of the majority of such schools; but the validity of proceeding shall not be affected because the person was not so acceptable unless it is shown that the local education authority failed to take such steps.

(6) A person appointed to represent relevant grant–maintained schools in accordance with subsection (3) above may be removed from membership of the council if in the opinion of the local education authority he ceases to be acceptable as such to the governing bodies of the majority of such schools.

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