

# A NEW SETTLEMENT: RELIGION & BELIEF IN SCHOOLS

A St George's House Consultation

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#SGHRED





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## Introduction

### *A New Settlement: Religion and Belief in Schools*

1. The relationship between religion and education is an increasingly controversial subject. Education is a key site where wider battles about the place of religion in public life are fought. With stories of radicalisation shaping public opinion and government policy, religion in schools is very much back in the spotlight.
2. But though the details have changed, the underlying questions in these debates are not new. The current relationship between religion and education in England was settled by legislation in 1944 and 1988. Since 1944 there have been numerous calls to reform it in ways which reflect the ongoing, substantial changes in the practice of religion and the nature of education in this country. In 2008, for example, the UK's Foreign Secretary endorsed a Council of Europe Ministerial recommendation on teaching about religions and non-religious convictions in schools. A book based on this recommendation, *Signposts*, giving advice to policymakers across Europe, was published by the Council of Europe in 2014.<sup>1</sup> In 2015, three major UK reports made the case for reform: *Living with Difference: Community, Diversity and the Common Good*, by the Commission on Religion and Belief in British Public Life;<sup>2</sup> *RE for REal: The Future of Teaching and Learning about Religion and Belief*, by the Faiths and Civil Society Unit at Goldsmiths, University of London;<sup>3</sup> and *A New Settlement: Religion and Belief in Schools*, published in 2015 by Charles Clarke and Linda Woodhead.<sup>4</sup> This last document is the subject of this report.
3. *A New Settlement* draws upon the research and debate carried out by the Westminster Faith Debates (2012-15) and the Religion and Society research programme, both of which were funded by the Arts and Humanities Research Council, the Economic and Social Research Council and Lancaster University. The report argues that "*the time is ripe for a new relationship*" between religion and education in England.<sup>5</sup> It focuses on three particular areas of debate: Religious Education, schools with a religious character ('faith schools') and the act of collective worship. Its final recommendations are listed in Appendix 1.

### The consultation

4. This report records the proceedings of a private consultation held on *A New Settlement* at St George's House, Windsor, on 15<sup>th</sup> and 16<sup>th</sup> February 2016. This brought together 32 experts and practitioners within the education sector to discuss the three areas of debate addressed by Clarke and Woodhead. Particular focus was given to the legal framework which underpins the current place of religion in education.
5. Possible ways forward are suggested at the end of each section. These emerged from the discussions but do not represent the formal positions of all parties involved. Phrases in italics are direct quotes from the consultation.
6. A full list of participants is given in Appendix 2.

## 1. The 1944 settlement onwards

7. The place of religion in schools today continues to be shaped by the Education Act 1944 – the so-called ‘Butler Act’. We began with a discussion of the 1944 Act and the negotiations leading up to it, to see what lessons can be drawn for any moves for reform today. Debates about religion in schools are not new and there have been multiple attempts at reform since 1944.

### The road to 1944<sup>6</sup>

8. There were a number of key developments leading up to the 1944 Act. The Elementary Education Act 1870 created a ‘dual system’ of voluntary schools receiving funding from central government and non-denominational Board Schools receiving funding from local rates. The Education Act 1902 created Local Education Authorities which had the power to establish secondary schools. In Board and Local Education Authority schools, primary and secondary, the **Religious Instruction, worship and other religious provision was to be non-denominational. Syllabuses were drawn up voluntarily at the local level.**
9. The 1902 Act also made Local Education Authorities responsible for funding church schools through rate-aid. This sparked the **‘Rome on the rates’ controversy**, where a broad alliance of Nonconformists and secularists campaigned against local rates being used to support Anglican and Roman Catholic schools. In 1907 there were 170 Free Church members in prison for refusing to pay their rates. It was suggested in our discussion that this experience continued to influence the attitudes of Nonconformists / Free Church members to state-funded schools with a religious character during the debates of the following decades.
10. In the period leading up to the Second World War, the burgeoning international ecumenical movement contributed to a growing sense of a common Christian heritage in Britain. **The Church of England increasingly presented itself as the agent of this common Christianity.** There was a growing emphasis within government and educationalist circles on the importance of this heritage as a basis for national identity and as a bulwark against what were frequently portrayed as secular and materialistic threats overseas. Christian education came to be seen as having the capacity to be nationally cohesive rather than denominationally divisive.
11. This impulse became even stronger during the war itself. In the parliamentary debates about the Education Bill in 1944, it was argued that the **preservation of the nation depended upon educational reform to reverse religious decline.** R.A. Butler and James Chuter Ede, from the Board of Education, negotiated with the churches and developed compromises (such as statutory collective worship in schools) to gain their support for educational reforms.
12. The final Act:
  - Renamed Local Education Authority schools as county schools and divided church schools into voluntary aided, voluntary controlled and special agreement schools.<sup>7</sup>
  - Made secondary education compulsory for all children and raised the school leaving age.<sup>8</sup>
  - Made non-denominational ‘religious instruction’ compulsory in all county and voluntary schools.<sup>9</sup>

- Set up the current locally determined syllabus system for county and voluntary controlled schools:
  - Established Agreed Syllabus Conferences (ASCs) in each local authority, which were given responsibility for producing local religious instruction syllabuses.<sup>10</sup> The Act did not specify what the content of these syllabuses should be, nor which religions or denominations should be covered.
  - Empowered Local Education Authorities to establish Standing Advisory Councils on Religious Education (SACRE) to give advice to the authority on matters relating to religious instruction syllabuses.<sup>11</sup> Some authorities had equivalent bodies to SACRE before 1944. In 1988 the establishment of SACRE and Agreed Syllabus Conferences by Local Education Authorities was made compulsory.<sup>12</sup>
- Stipulated that in voluntary aided and special agreement schools, religious instruction should be in accordance with the provisions of the trust deed of the school.<sup>13</sup>
- Made daily collective worship for all pupils together (where practical) compulsory in all county and voluntary schools.<sup>14</sup> In county and voluntary controlled schools, neither collective worship nor religious instruction could be “distinctive of any particular religious denomination” unless so requested by parents.<sup>15</sup>
- Reinstated the (already standing) principle that parents had the right to withdraw their children from collective worship and / or religious instruction.<sup>16</sup>

### Contextual factors shaping the settlement

13. Our discussion highlighted a number of key factors which shaped the outcome of the 1944 settlement.
14. The **wartime context was crucial** for shaping the outcome of the settlement. Different groups capitalised on the communal and national solidarity generated in wartime to push for reform in a variety of areas. **Reforming education was made easier in this wider context of institutional change.**
15. Participants pointed out that the debate on education took place in a **“bunker mentality”**. The final Act, which secured the place of the Church of England and other Christian denominations in education provision, emerged in a moment of particularly (or unusually) high levels of Christian sentiment; but as this sentiment declined in the years after the war, the Act came to be seen by many as unsatisfactory. One participant took from this that any new settlement for religion in education **must be for the long-term and must not be “a response to the current spikes”** – which in today’s context would include high levels of suspicion of religion in general and of Islam in particular.
16. The **friendship between R.A. Butler and William Temple**, Archbishop of Canterbury (1942-44), was another important factor. Both men were skilled negotiators. Temple’s influence in the Church of England helped the pair to overcome opposition among Anglican education providers and politicians. He was able to use particular features of the proposed settlement as negotiating points with which to win over other Church figures. The creation of the voluntary controlled category of schools, for example, enabled the Church to relinquish some of its poorer schools into state control, whilst still

*“In a way, ’44 became our civil religion.”*

retaining a degree of influence over them. Temple's important role in the wider ecumenical movement gave him further influence in the discussions with the different churches.

17. It was also noted that the 1944 Act focused on **setting out structures for Religious Education in schools, but said little about content and aims**. One participant suggested that this was a strength, because the Bill may have faced more Parliamentary opposition (or may not have been passed at all) had it been prescriptive about content. Ironically, as our later discussions showed, a major problem in Religious Education today is precisely this lack of clarity of purpose.

### Opposition to the settlement

18. Dissatisfaction with the settlement for Religious Education emerged quite quickly after 1944. The Christian educationalists who had contributed to the settlement, including Temple, had sought to create a Christian Religious Education which was "*the highest common denominator*" of ecumenical Christianity. In practice, many Christians felt that this settlement "**was watering down Christianity**" and was boring and bland.

19. The Act **faced opposition from a number of groups**. Some leftist educationalists were dissatisfied by the reforms, feeling that the settlement was ultimately "*conservative with a small 'c'*". Secularist organisations denounced the settlement immediately. Butler's negotiations with the Roman Catholic Church were difficult, and by the end of the process the Catholic community was "*barely taken on board*". Yet the category of voluntary aided schools established by the Act enabled Catholic schools to receive funding from the state whilst still being controlled to a significant degree by the Church.

*"Churchill called it 'county council religion'."*

20. Support from Nonconformists for the settlement was more forthcoming than might have been expected. In the interwar period there had been moves between the Established and Free Churches to reach out to each other, particularly in ecumenical settings. Moreover some Nonconformists (and others including secularists), who may have been inclined to object to state funding for religious schools, were prepared to support the settlement in order to gain the wider educational reforms proposed, including the raising of the school leaving age.
21. Nonetheless, dissatisfaction among some Nonconformists with the settlement continued in the following decades. It was suggested that some Free Churches actively opposed state funding of church schools for decades after 1944, and only stopped active opposition in order to improve ecumenical relations.

### Attempts at reform after 1944

22. **Since 1944 there have been several attempts to change part or all of the settlement** on religion in education. Through the 1950s and 1960s, the appropriateness of the 1944 settlement in Britain's changing cultural and religious landscape came into question. In the 1960s the National Secular Society and the British Humanist Association played important roles in putting reform onto the agenda of politicians.

*"There have been lots of little settlements along the way... things have changed incrementally."*

*“Multifaith Religious Education was seen as part of these liberalising reforms that were eroding British morality... pornography, TV violence, multifaith RE...”*

23. One initiative at this time was pushed by Edward Short, the Secretary of State for Education and Science (1968-70). **Many of the proposals put forth by Short are identical with the proposals in A New Settlement:** including a national syllabus for Religious Education, renaming the subject to Religious and Moral Education and abolishing compulsory collective worship. These proposals did not come to fruition due to the change in government in 1970. Participants pointed out that many of the positions stakeholders have on these issues today are the same as they were during the debates in the late 1960s.

24. The 1970s saw a rise in support for multifaith, non-confessional Religious Education among educationalists. In reaction, some individuals and organisations – such as Mary Whitehouse, founder of the National Viewers' and Listeners' Association – campaigned against multifaith Religious Education and for a return to a strong Christian focus. **‘Multifaithism’ in schools and the abolition of collective worship were**

**seen as being part of a Communist conspiracy** to undermine British values and democracy. As one participant put it, *“It was defence of Britain... a romanticised vision of the past of what Britain stands for.”* In many ways the Whitehouse debates sowed the seeds for the arguments put forth in the debates around the Education Reform Bill in the late 1980s.

25. The **Education Reform Act 1988 introduced some important changes** relevant to our discussions:

- Introduced the National Curriculum for maintained schools. Religious Education (no longer ‘instruction’) was excluded from this but continued to be compulsory, as part of the ‘basic curriculum’.<sup>17</sup>
- Stipulated that locally agreed syllabuses for Religious Education 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.”<sup>18</sup>
- Stipulated that collective worship in county schools should be of a “wholly or mainly of a broadly Christian character... without being distinctive of any particular Christian denomination.”<sup>19</sup>

26. The precise formulation in the sentences above were introduced by a House of Lords amendment. Participants took from this **that the Parliamentary process can be unpredictable;** any movement calling for statutory change to the settlement of religion in schools will need to consider this carefully.

27. Our opening discussion of the history of the legislative framework demonstrated **that issues around religion in schools are not new.** The following sections chart our debates about forming a new settlement for Religious Education, schools with a religious character and collective worship.



## 2. Religious Education

28. In recent years, the quality of Religious Education provision in English schools has been heavily criticised. Our discussions identified a number of problem areas in the provision, including:

- Conceptual issues:
  - Lack of clarity about the subject's purpose
  - Overloading of the subject's content
- Structural issues:
  - Difficulties in measuring pupil progression
  - The role of assessment in determining the content
  - Perceived inadequacies and complexities in locally agreed syllabuses
- Implementation issues:
  - Inadequate training for teachers
  - Inadequate number of specialist teachers in secondary schools and sufficiently qualified teachers in primary schools
  - Inadequate resources and support for the subject, on national and local government levels and on the school level
  - Lack of adequate mechanisms for ensuring legislative compliance

29. Much of the discussion revolved around the idea of a statutory national syllabus or framework for Religious Education, which has been proposed in the three 2015 reports as a possible solution for some of the issues.

### Legal framework in England

30. The essential legal framework for Religious Education was set out in the Education Act 1944 and the Education Reform Act 1988. It was reiterated in the Education Act 1996 and the School Standards and Framework Act 1998. It should be noted that Religious Education is not established in the legislation as a 'subject' – the law requires only that schools make "provision" for it. This reflects the historical conception of Religious Education as encompassing religious instruction, worship and other provision in schools (see Section 1 for details).

31. Concerning academies and free schools:

- Academies and free schools must provide Religious Education for all pupils, except for those whose parents exercise the right of withdrawal. Academies and free schools are not required to adopt locally agreed syllabuses for Religious Education prepared by Agreed Syllabus Conferences, though they can choose to do so.<sup>20</sup>
- In common with those schools using locally agreed syllabuses, academies and free schools without a religious character must use syllabuses for Religious Education which "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."<sup>21</sup> The syllabuses must not provide Religious Education by means of "any catechism or formulary which is distinctive of a particular religious denomination".<sup>22</sup>
- Foundation or voluntary controlled schools with a religious character that convert to academies must provide Religious Education in accordance with the requirements for agreed syllabuses (as described above), unless parents request that their children receive Religious Education in accordance with the tenets of the school's faith.<sup>23</sup>

- Other academies and free schools with a religious character must provide Religious Education in accordance with the tenets of their designated faith.<sup>24</sup>
32. Substantial non-statutory guidance for Religious Education has also been published, most importantly the 2004 non-statutory national framework for Religious Education, which was utilised by many Agreed Syllabus Conferences and schools.<sup>25</sup>

## CHALLENGES

### Inadequate quality of provision

33. OFSTED reports published in 2007, 2010 and 2013 have indicated the scale of the problems in Religious Education provision.<sup>26</sup> The 2013 report found that, out of schools visited, **the quality of the curriculum was less than good in nearly two thirds of primary schools and six out of ten secondary schools**. Achievement and teaching were less than good in six out of ten primary schools and just over half of secondary schools.<sup>27</sup> Compared with other subjects, the level of inadequate provision is remarkably high.
34. OFSTED has stopped carrying out these kinds of studies about Religious Education, so it will be increasingly difficult to quantify the problem in the future. Worryingly, one participant suggested that there is *“a lot of anecdotal evidence to suggest that the picture is possibly getting worse”*.
35. Aside from standards, an even more concerning issue is that **some schools may be failing to meet their statutory obligation to provide Religious Education to all pupils**. In 2014, there were 1,197 secondary schools making no entries for any Religious Studies qualification – a rise from 268 in 2010.<sup>28</sup> While it may be that some of these schools provide Religious Education in a non-assessment form, it is more likely that there is simply no provision of Religious Education for pupils at Key Stage 4. Participants noted this shows that **any change to the legislative framework would be inadequate without a rigorous mechanism to ensure compliance** among schools – *“legislating for something doesn’t necessarily mean it will happen”*.

*“There are a large number of secondary schools where RE is effectively being marginalised to quite a heavy degree.”*

### Purpose and content

36. There was general agreement among participants that **a lack of clarity among teachers and curriculum designers about the purpose(s)** of the subject is significantly affecting the effectiveness of pedagogy in the classroom. For example, in some classrooms the focus is on transmitting to pupils doctrinal knowledge about the major religions, whereas in others greater emphasis is placed on developing pupils’ personal and social values and critical thinking. One participant suggested that there may actually be more commonality between different teachers’ approaches than otherwise, and that the focus was more likely to be on personal and social development than on the academic study of religion.<sup>29</sup> Some participants were keen to stress that the role of Religious Education in helping to build **community cohesion should not overshadow the subject’s other purposes**. Religious Education should help to facilitate good

dialogue between pupils of different religions and beliefs – but it should also have a “critical edge” and must not shy away from addressing difference and controversial issues.

37. There was also a sense among some participants that **the content of agreed syllabuses is often overloaded** and tries to cover too many things without sufficient depth – including too many different religious traditions and other worldviews. The difficulty is deciding which traditions should be included in a syllabus. Some participants argued that, following a High Court judicial review in 2015, schools without a religious character will need to ensure that pupils have the opportunity to learn about non-religious worldviews.<sup>30</sup> While many already do so, questions remain about what perspectives count as non-religious and which apparently secular philosophies and ethics can be taught in Religious Education and which cannot.

38. **Another issue is the range of disciplines that may be explored** in the field of the study of religions. Participants agreed that Religious Education should be multidisciplinary. They acknowledged, however, that this can create some complexities. Some thought that diverse

disciplines compete for space in syllabuses and that teachers may not be competent in all of them. The models of learning can become overly complex, as teachers shift from one pedagogy to another depending on the content. There is also a danger that particular disciplines will dominate in a teacher’s scheme of work, depending on their personal interests and competencies – it was suggested, for example, that some teachers use the subject as a way to teach Philosophy rather than a broader study of religions. The lack of clarity about and consistency in the disciplines to be explored can make it difficult to know what good quality teaching and learning look like. Despite these issues, some participants emphasised that one important aim of Religious Education should be to teach pupils about different approaches to the study of religion.<sup>31</sup>

39. The syllabus for Religious Education is, in the words of one participant, a “colonised space”. There is a sense that the rest of the curriculum is fully occupied, but Religious Education is a space “up for grabs”, into which can be inserted all manner of topics, from abortion to fair trade to ecology. Again this adds to the confused purpose of the

subject.

### Pupil progression and assessment

40. Without clarity on the purpose of the subject, it becomes difficult for teachers to articulate what it means “to be getting better in terms of understanding about religion and belief”. Pupils are finding it **difficult to identify what it is they are supposed to be getting better at**. Religious Educationalists need to find a way to agree on what core knowledge they want pupils to have – whether that be knowledge about particular religions, knowledge of different approaches to the study of religion, or a broader religious literacy (however defined). It was noted that part of the Church of England’s approach is to measure pupils’ progress by their grasp of particular concepts as they move up the school.

*“Pupils’ learning often had no real clear journey. They were dipping from one topic to another – Anne Frank this week, Sikhism next week, then on to arguments about the existence of God.”*

41. **Methods of assessment, in particular the demands of GCSE specifications, are one of the clearest drivers of Religious Education curricula.** It was pointed out that the eight level scale of attainment, first introduced in the 2004 non-statutory national framework for Religious Education,<sup>32</sup> has remained a dominant influence on lesson planning. Some participants felt that the national framework had brought in a “*golden period*” for Religious Education, because it gave Agreed Syllabus Conferences a common reference point for curriculum development and guidance on standards-setting. Others expressed concern that the eight level scale is decreasingly effective and can lead to teachers “*chasing the level*” rather than thinking about what constitutes good teaching. In the absence of other guidance, teachers have found the level system difficult to give up in their assessment practices.
42. Concerns were expressed about **the extent to which GCSE specifications shape the nature of Religious Education** in schools, including at Key Stages below Key Stage 4. Many teachers construct Religious Education curricula with GCSE requirements in mind, in order to get the best results at the end of Year 11. While widespread academisation has reduced the number of schools following the National Curriculum, schools continue to adhere to GCSE specifications, which must conform to criteria specified by the Department for Education. As one participant pointed out, “*in effect we’ve got a new settlement and it’s called GCSEs.*” GCSEs act as a form of national framework which applies to both community schools and academies.
43. This was not seen as a positive position to be in. The Religious Studies GCSE Subject Content published by the Department for Education in 2015 was considered by some participants to be too content heavy and as not offering an exciting way to study religion and belief.<sup>33</sup> The 2015 judicial review found that the Subject Content does not by itself satisfy a school’s legal requirements concerning Religious Education at Key Stage 4, in relation to non-religious worldviews.<sup>34</sup> This would be even more problematic if the GCSE specification was used by a secondary school to inform all its teaching of Religious Education.
44. It was suggested that teachers should consider what it is that pupils need to learn about religion and belief at each Key Stage in order to become religiously literate, rather than focusing principally on what they need to be taught to do well at GCSE – especially as many pupils do not go on to study Religious Education at GCSE level. A focus on **improving Religious Education at primary school level is particularly needed**, and this should be seen as an end in itself rather than just as a means to producing better results at GCSE level.

### Resourcing, teacher training and inspection

45. It is clear that there is a **critical shortage of specialist teachers of Religious Education**. A 2013 report found that, in over 300 primary schools that responded to a call for evidence, 37% of Religious Education teachers had no qualification in the subject, and 29% had only a GCSE or an O Level. Concerning teacher training, 43% of primary school teachers who responded to the survey had no more than 15 hours of training in the subject, and 15% had no training at all.<sup>35</sup> Data released by the Department for Education show that in 2014, 54% of secondary school teachers of Religious Education had no relevant post-A Level qualification, compared to 26% for History and 32% for Geography.<sup>36</sup>
46. The participants saw this situation as a major concern. A lack of sufficient training, either at degree level or in PGCE courses, can have

*“What would we say if most of the teachers in secondary physics hadn’t got a degree in physics? We’d be very concerned.”*

**a severe impact on teachers' confidence in the subject**, as well as on pupil attainment. One participant suggested that this situation may get worse, as programmes like Teach First provide even less time than a traditional PGCE course for in-depth training in religion and belief. It was also noted that there is a difference in confidence levels even among graduates with relevant degrees. It was suggested that people with degrees in Religious Studies tend to be more confident in their teaching of the subject than those with Theology degrees – because the latter sometimes feel that their particular specialist knowledge is out of vogue in Religious Education or is seen as being too difficult for pupils and non-specialist teachers to engage with.

47. The discussion also raised concerns about **inadequate resources and support for the subject** at local and national levels. There is a feeling that Religious Education lacks status compared to subjects in the National Curriculum (though there was disagreement among participants about whether creating a national framework for the subject would resolve this issue). Cuts to local authorities are diminishing their capacity to support Agreed Syllabus Conferences and training for teachers more widely, with a detrimental impact on the quality of locally agreed syllabuses. Most participants felt, however, that an increase of funding for teacher training and for the locally agreed syllabus system would not resolve all the problems – wider structural issues around the curriculum would remain.
48. A further, major issue around the implementation of the subject concerns **the lack of adequate mechanisms for ensuring compliance** with the legislative framework. It was suggested that education is in a *“post-compliance culture”*, and that the *“close monitoring of schools is very much out of fashion”*. Those looking to develop a new settlement for Religious Education will need to consider how it can be successfully implemented in a way that is not dependent on monitoring bodies to ensure legal compliance.

### Local or national structures

49. Much of the discussion focused on the current legal framework and the locally determined nature of Religious Education. Most participants felt that **the system of Agreed Syllabus Conferences and SACRE is no longer functioning effectively**, and that a **national, statutory framework or curriculum is needed** to clarify the subject's purpose and content, create consistency between schools and raise standards.
50. A number of issues were cited in relation to the current framework. Many teachers say they do not find their locally agreed syllabus useful. There are concerns that some syllabuses have inadequate content. One participant suggested that the membership of Agreed Syllabus Conferences and SACRE may no longer be reflective of the stakeholders who now have the most influence or interest in the direction of Religious Education. Moreover, in some local authorities SACRE are no longer meeting at all. Central oversight of the proceedings at SACRE has diminished since 2011 with the abolition of the Qualifications and Curriculum Development Agency (QCDA) – the annual reports of SACRE, which were once sent to the QCDA, are now sent to the Department for Education, which has limited capacity to analyse them properly.

*“The capacity of many local authorities to deliver high-quality RE is declining.”*

51. As seen in Section 1, **such problems, and calls for a national system, are not new**. Various non-statutory frameworks have been offered, including the 1994 Model Syllabuses published by the School Curriculum and Assessment Authority (SCAA), the 2004 non-statutory national framework produced by the Qualifications and Curriculum Authority, and the 2013 curriculum framework published by the Religious Education Council of England and Wales.<sup>37</sup>

52. In general participants felt that **any statutory, national framework for Religious Education should be “light touch”**. Some participants were cautious about the idea of a subject framework specifying particular ends and emphasised that the study of religions and beliefs can be useful in multiple ways which may not be immediately apparent. Others argued for a statutory framework which makes clear stipulations about the subject’s purposes and standards and to a lesser extent the content, but permits adaptation to local needs by teachers, schools and governing bodies. Various proposals were made about such stated aims should be – including to develop pupils’ religious literacy, personal values and critical thinking skills, to generate interest in the study of religions and beliefs for their own sake, and to contribute to good inter-community relations – aims which must be balanced carefully. It was felt that any national framework or curriculum should **demonstrate clearly how pupil progression can be charted**. It was also suggested that its content should reflect the UK’s national context in terms of its history and current religious landscape, and that the values underpinning it should have a human rights basis.

53. However, some **challenged the idea that the current framework of locally agreed syllabuses is the primary cause of the problems** in Religious Education today. One participant pointed out that an OFSTED report in 1997 had found that, on the whole, primary schools adopted locally agreed syllabuses, and that the syllabuses helped to raise primary school standards. But agreed syllabuses were largely ignored by secondary schools; some teachers taught what they wished and then made reference back to the agreed syllabus. The report concluded that, whilst GCSE specifications provided a good reference point for teachers at Key Stage 4, at Key Stage 3 the ignoring of the agreed syllabuses by teachers was detrimental to standards.<sup>38</sup> More recent research has found that teachers will ignore an agreed syllabus if they consider it to be too demanding for their pupils.<sup>39</sup>

*“Many RE teachers never see an agreed syllabus; never have done.”*

54. If **many teachers do not use the agreed syllabuses**, the quality of those syllabuses may not be the key factor in determining standards. The same participant referred to an analysis of five agreed syllabuses from around England undertaken in 2009 to 2010, which found that all were similar in terms of content and quality, most being based upon the 2004 non-statutory national framework for Religious Education. But the syllabuses differed in terms of style and were difficult for teachers to navigate unless they had participated in relevant local authority training, which many secondary teachers (unlike primary teachers) did not do.<sup>40</sup> It was also pointed out that knowledge and understanding in the study of religions is not much better in Scotland, despite the fact that Scotland has a statutory national curriculum for Religious and Moral Education in all non-denominational schools.<sup>41</sup> The participant concluded from this that **the subject’s problems may be due more to the quality and practices of teachers** rather than the current structure of locally determined Religious Education: *“I do wonder to what extent a change to the structures will have any impact at all.”*

*“A lot of RE teaching was activity rich but learning poor.”*



55. Ultimately this was a minority perspective. It was generally felt that, whilst a nationally agreed syllabus would not be “*a silver bullet*”, it would help to bring a sense of direction to the subject and would go some way to alleviate the issues.

### Obstacles to reform

56. The first major obstacle will be **securing consensus among the different stakeholders about the need for some kind of reform** in Religious Education. Some stakeholders are less willing to support reform than others – particularly those that do not perceive any problems, have a different view of the subject’s purpose, or are worried that a clear sense of direction for the subject has not yet been reached by Religious Educationalists. Whilst many teachers support a change in the legislative framework, some are less enthusiastic – for example, some are concerned about the level of change in the subject in recent years and would prefer space to “*get on with something for a few years*”.
57. **Deciding who should be involved in any reform** – and indeed, deciding who should be the decision-makers – will be another difficulty. Participants were clear that a bottom-up approach is needed, involving a broad range of stakeholders (including teachers), but politicians would also need to be on-board if any new proposals are to be adopted.
58. There was considerable concern about **a lack of political will for reform**. Participants felt that reforming the subject is not high on the agenda of politicians, civil servants and those in the Department for Education, and that those in power are “*fearful of making changes within this curriculum area*”, due to the opposition they may encounter. Some participants also suggested that it may be difficult to persuade the current membership of the All Party Parliamentary Group on Religious Education of the need for major change. Religious Educationalists will need to consider what their approach will be if the current (or future) government has no interest in reform.
59. Finally, it was felt that there is **not enough evidence** for forming conclusions about wholesale reform based on more than anecdote. If political minds are to be changed, much more empirical research will be needed on a host of issues – from what locally agreed syllabuses around the country actually look like, to the prevalence of take-up of the right to withdraw from Religious Education.

### Ways forward

60. The following considerations were offered as part of a strategy for going forwards:
- **Keep the current momentum going.**
    - The three 2015 reports (including *A New Settlement*) have galvanised discussions about the future of Religious Education, and the Department for Education is aware of this. The Religious Education community needs to keep holding events and writing articles to show politicians that this is a critical issue.
  - **Consider which stakeholders should be involved in the process of developing a new settlement.**

- A broad-based alliance needs to be formed which incorporates the views of teachers as well as those religious groups with a stake in educational matters.
- Those who seek reform will need to engage in dialogue with those stakeholders that are wary of it. Allowing such stakeholders to shape the debate will be crucial if a broad consensus is to be reached.
- **Expand the evidence base on the current state of Religious Education – including problem areas and best practice.**
  - The Religious Education Council of England and Wales is forming a Commission on Religious Education which will undertake major research on the state of the subject across the country. Other initiatives include a project conducted by Culham St Gabriel's on how attainment in Religious Education can be measured in a post-levels environment.<sup>42</sup>
- **Understand the aims and concerns of the Conservative government in relation to education.**
  - In order to secure political support, Religious Educationalists will need to adapt their approach to suit the current political context. It will be necessary to consider how the government's aims for Religious Education (including the promotion of 'fundamental British values' and community cohesion) can be appropriately met, or responded to, in any proposed reform.
- **Consider how to move forward if political support for reform is not forthcoming.**
  - This may require inviting stakeholders, schools and teachers to sign up voluntarily to any nationally agreed framework. Involving all parties in the development of such a framework would make opposition less likely.

**61. Further questions to be debated about the details of a new settlement include:**

- Should syllabuses for Religious Education be locally or nationally determined, and if the latter, should this be through a statutory or non-statutory framework?
- Should a national framework for Religious Education be part of the National Curriculum?
- What should the purpose(s) of Religious Education be?
- To what extent should a national framework specify content for the subject? What topics, themes or issues do all pupils need to learn about?
- How should pupil progression be assessed at levels below GCSE? What constitutes a religiously literate person and how can this be measured effectively?
- Which types of school should a national framework apply to? Should it apply to schools with a religious character, academies and independent schools?
- How can compliance with a new (statutory) framework be ensured?
- Should the right to withdraw from the subject be kept or abolished?



### 3. Schools with a religious character

62. Debates about schools with a religious character ('faith schools') often function as a proxy for wider debates about the place of religion in public life in the UK. It was noted in our consultation that underlying much of the disagreement about schools with a religious character are *"competing philosophies about education and what it's for, and about where the responsibilities of the family and of belief communities begin and end."* There is no easy compromise between different, deeply held views on these matters.
63. *A New Settlement* identifies four areas where schools with a religious character operate on a different legal and administrative basis from community schools: the curriculum, inspection regimes, employment of teachers, and admissions policies based on religious criteria in the event of oversubscription. Our discussions focused primarily on the latter in state-funded schools. A number of issues about such admissions policies were raised, including:
- Nature of policies:
    - Lack of transparency and unnecessary complexity in the criteria in some schools
    - Unlawfulness of the policies and practices in some schools
    - Discrepancies between the policies of schools and the guidelines set out by the bodies representing the religions or denominations in admissions matters
    - Lack of clarity in, or at times unlawfulness of, the guidelines from the representative bodies
  - Perceived consequences of policies:
    - Religious segregation
    - Socioeconomic segregation
64. This discussion about admissions policies led to a broader debate about the place of schools with a religious character in the state-funded education sector.

#### Legal framework in England: admissions policies

65. All state-funded schools in England must comply with the statutory School Admissions Code, which is underpinned by the School Standards and Framework Act 1998 and its accompanying regulations. The Code sets out guidance on admissions policies, including for schools with a religious character.
66. The Equality Act 2010 states that admissions authorities cannot discriminate against a person in their admissions arrangements. However, there is an exemption for schools with a religious character, which are permitted to prioritise some pupils above others on grounds of religion or belief.<sup>43</sup>
67. A number of stipulations in the School Admissions Code were particularly relevant for our discussions:
- The Code requires that admission authorities "must ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated."<sup>44</sup>

- The Code identifies particular religious organisations or persons as responsible for issuing guidance on admissions arrangements to schools of that religion or denomination. For Church of England and Roman Catholic schools, the representative bodies are the Diocesan authorities.<sup>45</sup>
- If a maintained school is undersubscribed, it must accept all pupils that apply.<sup>46</sup> In the event of oversubscription, however, schools are able to prioritise pupils based on particular criteria. Schools with a religious character are allowed to take into account prospective pupils' (or parents') religious activities – but only if they are permitted to do so by the representative religious body.<sup>47</sup> The schools “must have regard to any guidance from the body or person representing the religion or religious denomination when constructing faith-based admission arrangements” and “must also consult with the body or person representing the religion or religious denomination when deciding how membership or practice of the faith is to be demonstrated.”<sup>48</sup>
- Concerning schools with a religious character, admissions authorities “must ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied.”<sup>49</sup>
- ‘Looked after’ and ‘previously looked after’ children<sup>50</sup> in the local area are given high priority in oversubscription criteria. Schools with a religious character must give priority to looked after and previously looked after children of the faith before other children of the faith. If they give any priority to children not of the faith, they must give priority first to looked after and previously looked after children not of the faith before other children not of the faith.<sup>51</sup>

## CHALLENGES

### Lack of transparency and unlawfulness in criteria

68. Some oversubscription admissions policies in schools with a religious character contain multiple selection criteria based on religion. These points systems may include stipulations about religious affiliation and belief (for example, the parents and / or child should identify with the school's designated religion and should state their belief in particular doctrines) and also religious practice (for example, the parents and / or child should have been attending a particular religious service for a certain amount of time).
69. Complaints about state-funded schools' oversubscription policies are handled by the Office of the Schools Adjudicator (OSA).<sup>52</sup> In 2014/15, the OSA dealt with 375 cases concerning objections to, and referrals about, admissions arrangements (218 new cases, 157 carried forward from the previous year).<sup>53</sup> Out of the 210 determinations issued by the OSA, in 76% of cases the objection was upheld or partially upheld, and in cases where the objection was not upheld, there were often some other aspects of the admissions arrangements that did not comply with the School Admissions Code. Participants suggested that there may be **many other schools which are contravening the Code but have not yet been subject to an objection**, including (but not limited to) schools with a religious character.<sup>54</sup>
70. **Parents tend to be the single biggest group of objectors** each year.<sup>55</sup> For example, concerning schools with a religious character, parents may object if they or their children have failed to meet very high levels of religious commitment as stipulated in the school's oversubscription criteria. It was noted, however, that some **objections may be brought by external organisations or campaign groups** acting on behalf of parents who wish to remain anonymous. In 2014/15, 51 of the total objections dealt with by the OSA had been made by the Fair Admissions Campaign

about the admissions arrangements of secondary schools with a religious character (including about oversubscription criteria based on religion). Out of these, four objections were upheld, 45 were partially upheld, one was not upheld and one was out of the OSA's jurisdiction.<sup>56</sup>

71. Participants argued that in many schools which are their own admissions authority, oversubscription policies with **numerous criteria can be unnecessarily complex and can lack transparency**. For example, some arrangements may have many levels of oversubscription criteria, or may be unclear or difficult to understand, so parents may find it tough to know whether or not their child will meet the requirements. Some schools fail to make their current admission arrangements publicly available and easily accessible on their websites.<sup>57</sup> Schools with unclear or confusing (or unpublished) admissions arrangements may be failing to meet their legal requirements as set down by the School Admissions Code.<sup>58</sup> It should be noted that overly complicated or unlawful admissions arrangements are found among schools with and without a religious character.
72. Schools with a religious character have been found to contravene the Code in a range of different ways – for example, by **asking for information that is prohibited** as it is not required to apply the oversubscription criteria,<sup>59</sup> **incorrectly handling the legal priority in admissions given to looked after and previously looked after children**, or **ignoring the guidance on admissions set down by the relevant religious body**.<sup>60</sup> The latter issue can lead to discrepancies between a religious group's public statements about their education provision and the practices in schools on the ground. Some participants felt that the stated aims of religious groups *"about serving their [local] community"* through their schools, or about providing education *"for children of all faiths and none"*, are misleading, with *"quite rigid admissions policies"* being applied in some oversubscribed schools with a religious character which can reduce the likelihood of local children not of the faith securing a place. In some cases the **guidance issued by a representative religious body itself is unclear and / or contravenes the Code**.
73. Beyond issues of compliance with the School Admissions Code, it was suggested that **the legislative framework itself may be problematic** in some respects. In particular, the legislation has a set list of organisations or people that are recognised as the representative bodies for each religion or denomination. For some minority religious groups, such as Muslims, Hindus and Sikhs, only one body is listed in the legislation for each, which may lead to difficulties if the governors of a school with a minority religious ethos do not recognise or do not associate with the designated representative body. There is a separate schedule which specifies the appropriate Rabbinic authority for each maintained Jewish school; again, some Jewish schools do not follow the guidance of their specified representative body.<sup>61</sup> It was also noted that some schools in their admissions policies refer to representative religious bodies which do not, in fact, have a role in providing advice on admissions arrangements – such as Churches Together in England.

### Religious and socioeconomic segregation

74. Some participants argued that admissions policies which prioritise religion (including oversubscription criteria based on faith) can lead to **religious segregation** in the education sector. One participant argued that any limitations on pupil intake, including by religion, means that schools *"are by definition ghettoising them and separating them"*.

*"Religious selection always acts as a proxy for socioeconomic selection."*

There was general agreement that low levels of diversity with schools (whether religious, ethnic or socioeconomic) could be **an obstacle to community cohesion and the preparation of pupils for life in a multicultural society**.

75. **Socioeconomic segregation** was also said by some participants to be a consequence of these admissions arrangements. The Fair Admissions Campaign has undertaken extensive research on this. Drawing on this research, one participant noted that, as of December 2013, Church of England secondary schools with oversubscription criteria that allow for prioritisation by reference to religion for all places<sup>62</sup> admitted 35% fewer pupils eligible for free school meals than would be expected based on the proportion of eligible children in the local population. Church of England secondary schools which had no admissions criteria based on religion admitted 1% fewer pupils eligible for free school meals than would be expected. In contrast, comprehensive secondary schools with no religious character admitted 5% more eligible pupils than would be expected.<sup>63</sup>
76. It was noted that **low levels of religious diversity within schools may arise through means other than oversubscription criteria** based on religion. For example, newly established schools with a religious character must allocate at least 50% of their places without reference to faith – but this does not mean that the make-up of the school will include 50% of pupils not of the school's religion. Other criteria can be prioritised in admissions arrangements which may as a by-product increase the proportion of pupils of the school's religion – this may happen if priority is given to siblings of current pupils. Beyond admissions arrangements, **parental choice can also contribute to religious segregation**. For instance, Muslim and Christian parents are unlikely to want to send their children to a school with a Sikh ethos, making it unlikely that the school will have a religiously diverse population.
77. In addition, it was pointed out that **religious segregation can also occur in schools without a religious character**. One participant spoke of seeing "*voluntary apartheid*" in some community schools, wherein pupils separate themselves into different groups by religion or ethnicity. Participants also indicated that there are other divisions in society which may manifest themselves in the education system, including divisions within a particular religious community, such as between different castes or between practising and non-practising people.
78. Ultimately, some participants felt that the recent growth in the number of schools with a religious character could increase "*sectarian preferences*" among communities. Some agreed with the direction suggested in *A New Settlement* and *Living with Difference* that **admissions arrangements which prioritise religion should be reduced or abolished**.
79. Some advocated **removing state funding from religious schools** altogether. They argued that there are a number of other problems involved in schools with a religious character, apart from selection on grounds of faith. The ways in which such schools uphold their **religious ethos may be barriers to inclusivity** – alienating pupils and parents of different faiths or of none. There may also be **human rights concerns**. There is a tension between the rights of parents to educate their children in ways which conform to their own religious and philosophical convictions, and the rights of children to believe and practice (or not) as they wish.<sup>64</sup> This tension is also an important feature in debates about Religious Education and collective worship in state-funded schools, and there is no easy solution to it.

80. It should be noted that some **objections to state funding for religious schools come from religious perspectives**. It was pointed out, for example, that for many members of the Free Churches (in the past and today) religious nurture is seen as a matter for families and communities and not for the state. One participant argued that the churches should concentrate their energies on making high quality education available to all, especially to those on the margins, rather than pursuing policies which *“perpetuate educational privilege and foster division within society.”* (See also Section 1 on perspectives in the Free Churches).

### Responses to criticisms

81. However, some participants challenged the view that admissions arrangements on grounds of religion should be abolished, and defended the place of schools of religious character in the education sector. It was noted that unclear or even unlawful admissions practices are **a problem only for a very small group of schools** which are heavily oversubscribed. These problems are most pronounced in London, though they do arise around the country. For the majority of maintained schools, their oversubscription criteria do not come into play and so they must, by law, accept all pupils who apply.

*“A lot of admissions problems are London-centric.”*

82. It was stressed that, **in many schools with a religious character, religious segregation does not occur**. Many Church of England schools have chosen not to use any admissions criteria based on religion. In schools which do have such criteria but are not oversubscribed (including Roman Catholic schools), the school’s population may be religiously diverse. For decades, many Muslim parents have chosen to send their children to Church of England or Roman Catholic schools because they see such schools as recognising the value of faith more than community schools. One participant noted, however, that accommodating the growing Muslim population in schools with a religious character would not be viable in the future – *“we must enhance religious provision in the mainstream schools”* in order to attract Muslim parents to them.

83. Some argued that **admissions criteria based on religion can be beneficial in some circumstances**. It was suggested that if heavily oversubscribed schools with a religious character stopped using such criteria, there would be a danger that the schools would become *“enclaves for rich, middleclass parents who can afford to travel into the area”*. This was said to be *“the Church of England’s biggest fear”* in the matter. Another participant said that **admissions criteria based on religion could be used judiciously by schools to reflect local needs**. For example, an Anglican and a Roman Catholic school in the same area could exclude each other’s religious constituents from priority lists in their admissions criteria, thereby ensuring that neither school undermines the other.

*“Schools with a religious character actually provide a safety net in some ways because many schools are not able to take religion seriously.”*

84. Finally, a number of general points were made about the benefits that schools with a religious character bring to the education sector. Participants agreed that many such schools **provide excellent education** and are actively engaged in **building positive relations** with other schools and religious groups. Schools with a minority faith ethos may have an important role in **making education possible for girls**, who might otherwise be kept out of the

education system. It was also suggested that schools with a religious character serve to **balance out a secular worldview** which dominates in community schools and is not 'neutral' towards religion (though this argument was contested by others in the debate).

## Obstacles to reform

85. The obstacles to reform highlighted in Section 2 are also relevant here.

86. In addition, it is clear that it will be **very difficult to gain any kind of consensus among interested parties** about what the place of schools with a religious character should be in a new settlement for religion in education. Religion and belief groups which may be willing to compromise over issues in Religious Education are likely to disagree sharply over issues to do with schools with a religious character. In the case of oversubscription criteria based on religion, some schools are resistant to further guidelines being placed on them by government and some are seeking to expand the proportion of pupils they can select on grounds of religion.

87. It was pointed out that some religious bodies fear that any change to the status quo in relation to their schools is ***"the thin edge of the wedge"*** leading to the removal of state funding for schools with a religious character. Such fears will need to be overcome if any new settlement on this is to have broad support.

## Ways forward

88. The following considerations were offered as possible ways for going forwards. Some participants offered strategies to increase compliance with the School Admissions Code. Others were concerned with reducing selection on grounds of religion in admissions arrangements:

### Increasing compliance with the Code:

- **Recommend that the Department for Education should issue clearer guidance to schools and representative religious bodies / persons about admissions arrangements.**
  - The Department could issue examples of acceptable and unacceptable admissions arrangements. It could also specify particular arrangements which should be standard for all schools, providing clarity for parents – such as that the final tie-breaker will be random allocation if two or more applicants have equal priority for the final place available.
  - It could also advise the representative religious bodies about what is expected of them in relation to the guidance they provide on admissions to their schools.

### Reducing selection on grounds of religion:

- **Hold religious groups to their stated aims of serving the local community through education provision.**
  - Discrepancies between the stated aims of religious bodies in educational provision (including to serve children of 'all faiths and none') and the practices of their schools should be pointed out. Legal action may be necessary to ensure schools comply with the School Admissions Code.

- **Encourage schools with a religious character to reduce voluntarily the proportion of school places assigned on grounds of religion in their admissions arrangements.**

89. There were also a number of more general suggestions about how the debate on schools with a religious character should be handled.

- **Focus on reforming admissions arrangements rather than debating the place of schools with a religious character as a whole.**
  - This may be a way to move beyond the impasse and towards some consensus between different parties. It is likely that all parties can at least agree that socioeconomic segregation in education needs to be reduced – this could be a common starting point for any wider debate on admissions arrangements.
- **Expand the evidence base on schools with a religious character which do not contribute to religious or socioeconomic segregation.**
  - The Office of the Schools Adjudicator deals only with situations where admissions arrangements are problematic. Research on the policies and practices of schools (including ones which are oversubscribed) which do not contribute to segregation within their communities could offer solutions that could inform admissions arrangements elsewhere.
- **Engage in dialogue with religious groups and schools which are wary of change.**
  - Learning why different schools use admissions criteria based on religion and what they are trying to achieve would help to add nuance to, and take heat out of, the debate. It could also help to bridge the gap between different views on this.
- **Develop a new settlement for Religious Education which helps to make community schools more attractive for religious parents.**
  - Religious Education which is academically rigorous and well supported by staff and pupils may help to reduce concerns among some parents that community schools implicitly nurture secular or non-religious perspectives. This would help such parents to see community schools as possible options for their children alongside schools with a religious character.

## 4. Collective worship

90. Our final discussion focused on the requirement for collective worship in maintained schools without a religious character. There was a widespread feeling that the current legislative framework is inadequate and not reflective of practices in schools. Indeed, one participant suggested that, out of all the issues covered in *A New Settlement*, “*this is the one around which there is the most consensus.*”
91. Numerous issues with the current legal requirement were raised in our discussion. Some participants argued that:
- The requirement is irrelevant and ignored:
    - Not reflective of contemporary Britain’s demographics
    - Widespread noncompliance
    - Inadequately resourced and supported
  - The requirement is harmful:
    - Infringes freedom of conscience
    - Damages public understanding of place of religion in schools
92. *A New Settlement* recommends that the requirement for compulsory collective worship should be abolished; that decisions about the form and character of school assemblies should be left to school governors; and that the government should issue non-statutory guidance on this.<sup>65</sup> In our discussion, most participants agreed that the current legal requirement should be repealed – though there was disagreement about whether ‘inclusive assemblies’ or ‘times for reflection’ should be made compulsory at the statutory level.

### Legal framework in England

93. The Education Act 1944 made daily collective worship compulsory in all Local Education Authority schools. The most recent legislation on the act of collective worship is the School Standards and Framework Act 1998. Also relevant is the non-statutory guidance in Circular 1/94, issued by the Department for Education in 1994.
94. A number of statutory and non-statutory stipulations were particularly relevant for our discussion:
- The School Standards and Framework Act states that, subject to the parental right of withdrawal, “each pupil in attendance at a community, foundation or voluntary school shall on each school day take part in an act of collective worship”.<sup>66</sup> This can be “a single act of worship for all pupils” or “separate acts of worship for pupils in different age groups or in different school groups.”<sup>67</sup> Academies and free schools must also provide daily collective worship.<sup>68</sup>
  - In schools without a religious character (including community schools, foundation schools, academies and free schools), collective worship should be “wholly or mainly of a broadly Christian character” – which means it must reflect “the broad traditions of Christian belief without being distinctive of any particular Christian denomination.” Only a majority (not all) of acts of collective worship in each school term need to be “wholly or mainly of a broadly Christian character”.<sup>69</sup>



- The non-statutory Circular 1/94 offers further guidance, including about the nature of worship and of a “broadly Christian character”. It also notes that all maintained schools should promote pupils’ “spiritual, moral and cultural development”.<sup>70</sup>
- In schools with a religious character (including voluntary controlled schools, voluntary aided schools, foundation schools, academies and free schools), the nature of collective worship is to be in accordance with the provisions in the school’s trust deeds or Funding Agreement, or with the tenets of the particular religion or denomination.<sup>71</sup>

95. There are exemptions from the legislation:

- A school without a religious character can apply for an exemption (‘determination’) from the “broadly Christian” requirement for some or all of the pupils. Community or foundation schools must apply to the local SACRE for the determination, and academies and free schools must apply to the Secretary of State via the Education Funding Agency. An alternative act of collective worship must be provided and this can be distinctive of a different faith, though it does not need to be.<sup>72</sup>
- Parents of pupils in maintained schools can request that their children be wholly or partly excused from collective worship.<sup>73</sup> However, except for pupils who are in sixth form education or who are over 16,<sup>74</sup> pupils do not have the right to withdraw themselves from collective worship.

## CHALLENGES

### Noncompliance and appropriateness in a multifaith society

96. The requirement of collective worship in schools was introduced at a time when Christianity was assumed to be an essential and unifying part of British national identity. Today’s religious landscape is considerably different, with 49% of Britons not identifying with a religion and 42% identifying as Christian (17% as Anglican) in 2014.<sup>75</sup> It was argued that compulsory worship of a broadly Christian character in schools is **not appropriate in a society that is both increasingly multifaith and secular**.

97. Some participants argued that **noncompliance with the legal requirement is widespread**.

*“The feeling among OFSTED was this was a bad law.”*

According to a 2011 poll, only 28% of English parents said that their children attended a daily act of collective worship at school.<sup>76</sup> Until 2005 OFSTED checked whether schools were upholding the law on collective worship, but since then the organisation has moved away checking legal compliance and now focuses more on checking the quality of assemblies in terms of their contribution to pupils’ spiritual, moral, social and cultural

development.

98. Schools fail to comply with the legislation in various ways. In some schools, head teachers and governors may have chosen deliberately not to comply with the legislation – perhaps feeling that collective worship is inappropriate in multifaith or secular spaces, or is too difficult to organise. In other cases, noncompliance may be the result of misunderstandings of the legal requirements.

99. Many schools **do not hold acts of collective worship every day** as required, often because of logistical difficulties. Some head teachers and governors **erroneously think that they are required to hold an act of worship with all pupils together** and cite this as the reason why acts

of worship cannot be organised regularly.<sup>77</sup> One participant argued that it was a mistake to assume that primary schools are more likely to be legally compliant than secondary schools, as there is not sufficient evidence to demonstrate this.

100. Furthermore, many schools without a religious character (and without an exemption) **fail to provide enough (or any) acts of worship which are of a “broadly Christian character.”** A school’s assemblies may be **largely or entirely secular**, or only ostensibly ‘Christian’. It was noted that it is difficult to know *“when compliance is really compliance”* – there were doubts, for example, about whether *“a small prayer that isn’t addressed to anyone in particular”* at the end of an assembly would meet the legal requirements for collective worship.

101. Some participants argued **that the language of the legislation (and non-statutory guidance) is ambiguous**, including in relation to the definitions of “a broadly Christian character”. This can lead to misunderstandings of the law by head teachers and governors. In addition, as one participant argued, misunderstandings are likely to arise because the **training of senior management in relation to collective worship is inadequate**. Those responsible for organising collective worship are not given enough support and resources from local and national government, leading to misunderstandings of the law and difficulties in implementation.

*“I don’t know what ‘wholly or mainly of a broadly Christian character’ actually means; does anyone here know what it means?”*

102. On the other hand, participants acknowledged that many schools provide very good assemblies which contribute well to pupils’ spiritual, moral, social and cultural development in an inclusive way. Yet ***“almost all of the good practice that you see is unlawful”*** – even practices introduced by government guidance, such as the SEAL (Social and Emotional Aspects of Learning) initiative (first introduced in 2005).<sup>78</sup>

### Freedom of conscience and impact on wider school environment

103. Some participants argued that, beyond being irrelevant, the legal requirement for collective worship does *“substantial harm”* – to children, parents and society more broadly. Compulsory collective worship is now the biggest educational issue that parents complain about to the British Humanist Association (which campaigns against the legal requirement). Some parents believe that the requirement **violates their and their children’s rights to freedom of conscience**.<sup>79</sup>

104. The **parental right to withdraw their children was seen as an inadequate protection** of freedom of conscience, because in practice many parents feel they cannot use it. Some parents are concerned that withdrawing their children may make them **vulnerable to stigmatisation** by their peers for being different. Concerning schools with a religious character, parents worry that using the opt out will lead to **difficult questions from the school leadership** and may put their children’s place in the school into jeopardy. It was also argued that the **rights of children are not fairly balanced against the rights of parents** in this regard. Children aged under 16 cannot choose whether to be excused from (or to stay in) collective worship without their parents’ support.<sup>80</sup>

*“I’m sure that religious literacy in society won’t be served by a continuation of muddled messages about religion and belief in the wider school environment.”*

105. Participants also suggested that compulsory collective worship **damages public perceptions of the place of religion in schools**. It was argued that, among the general public, Religious Education is sometimes conflated with confessional acts of collective worship and religious instruction. This misunderstanding “*damages Religious Education very badly*”. Against this, one participant argued that collective worship and inclusive assemblies can (or should) **serve to support the academic study of religion in Religious Education**, by providing pupils with an opportunity to hear about different worldviews and to experience directly some of the practices and emotions discussed theoretically in the classroom.

#### Repeal and replacement

106. Some participants thought that the best approach may be to **ignore the current legal requirement**, as many schools do. Non-statutory or grassroots guidance could be issued whilst avoiding the political risks that would be involved in trying to secure the requirement’s repeal.

107. Most, however, argued that this would only perpetuate an ambiguous status quo that is confusing for teachers and pupils. They argued that the **current legal requirement for collective worship should be repealed**. Yet there was a strong sense that **collective assemblies should remain a regular feature of school life**.

108. Two main approaches were suggested for going forwards. Some participants called for collective worship to be **replaced at the statutory level with a requirement for compulsory inclusive assemblies and times for reflection** in schools without a religious character. A new legislative settlement would ensure that collective assemblies remain a part of life in every school, as long as there is **a strong system to ensure compliance**.

109. Others thought that **a new statutory requirement is not the best approach**. There were concerns that statutory change may have little impact on the situation in schools, “*with no enrichment of experience or boosting of teacher or senior management confidence*”. One participant suggested that the lack of oversight from OFSTED since 2005 had actually “*liberated*” schools to explore collective worship “*in whatever way is appropriate in their school context*”, including using the time to focus on shared human values. A new statutory requirement concerning assemblies **might remove this flexibility and schools’ capacity to be creative** with the slot. It was also pointed out that religious communities and schools with a religious character may be **more likely to support a settlement calling for the simple repeal rather than replacement** of the legal requirement, because they would be able to continue providing collective worship if they wished to.

110. An alternative strategy would be **a grassroots, non-statutory framework** for times for reflection developed jointly by Religious Educationalists and members of religious communities. Research would be needed to **gather evidence of good practice** to help inform this. Such a framework could be **indicative rather than prescriptive**, allowing for variations in different local contexts to suit the needs of

*“Rather than rushing in and potentially replacing one bad law with another bad law, we need evidence-based research on this to find a consensus.”*

the pupils and staff. It could suggest key events and festivals to mark and could bring together relevant resources that could be shared across schools. An important consideration would be how those involved can **encourage schools to adopt the framework voluntarily**.

111. In both approaches, the main purposes envisaged for times for reflection are advancing pupils' spiritual, moral, social and cultural development and building a sense of community. Schools and teachers may, however, have additional intentions for the assemblies – from traditional worship to bolstering religious literacy among pupils. Any process of reform will need to **consider what the stated purposes of such assemblies should be**.
112. One participant noted that, moving forwards, we need to move from abstract thinking to more concrete examples of what is or is not being done in schools already. This would raise important questions about **what can legitimately be included in a time for reflection** which is focused more on pupils' personal and academic growth than on religious worship. For example, *"Is looking at an icon in silence legitimate educationally or not? Is singing a Victorian hymn legitimate educationally or not?"*

### Obstacles to reform

113. The obstacles to reform highlighted in Section 2 are also relevant here.
114. In addition, it was argued that the **very scale of noncompliance with the current legal requirement actually inhibits moves to repeal it** – many pupils do not experience collective worship, so they and their parents have little reason to object to the requirement. When objections are raised, those who are resistant to change are able to **point to the parental right of withdrawal as a solution**, rather than wholesale reform.
115. There **may be considerable opposition from particular religious groups**, including the Church of England and the Roman Catholic Church, to proposals to repeal the requirement for collective worship. It was also noted that **many leaders of minority faiths now support the status quo** on this. This is a change from the situation in 2006, when many minority faith leaders and organisations supported an attempt in the House of Lords to remove the requirement for collective worship in schools without a religious character. One participant suggested that an increasing polarisation between the religious and the non-religious has *"eroded the common ground"* that formerly existed between humanists, secularists and those of minority faiths.
116. An apparent **lack of political will for reform** is, again, a major obstacle. A proposal to repeal the requirement for collective worship would likely be portrayed in certain newspapers as a **'secularist' or 'multiculturalist' attempt to dilute Britain's Christian heritage**. Fears of a media backlash may make politicians very hesitant to engage in discussions about statutory change.
117. Finally, it was pointed out that **much of the debate about collective worship is driven by ideology rather than evidence**. Some participants argued that **much more research is needed to find out what schools, pupils and staff want** from collective worship or assemblies, before any legislative change is considered. Others, however, insisted that the debate is necessarily an ideological one, as the very introduction (and preservation over time) of the legal requirement was motivated by particular ideologies.

## Ways forward

118. The following considerations were offered as part of a strategy for going forwards:

- **Recognise the existence of some level of consensus.**
  - There is already some level of consensus between various interested parties that the current situation is unsatisfactory. There is even greater agreement that collective assemblies (if not worship) can offer something valuable and important if done well. Recognising these strands of agreement is a good starting place for further debate.
- **Consult with interested parties about whether inclusive assemblies / times for reflection should be made compulsory.**
  - *A New Settlement* favours a non-statutory settlement backed by rigorous inspection to ensure compliance. Our discussions showed that there are divergent opinions about this approach. Further consultation with interested parties will be needed. They should also be asked whether they think statutory change is achievable as well as desirable.
- **Emphasise that repealing the requirement for collective worship does not mean prohibiting worship in schools.**
  - This point needs to be made very clear to pre-empt media portrayals of any reform process as being driven by a 'secularist' agenda.
- **Make the case for reform to minority faith groups.**
  - Convincing minority faith groups that reform is needed will be important for rebuilding the broad consensus on the matter which existed in 2006.
- **Consider how those responsible for delivering collective worship or assemblies can be adequately trained and supported.**
  - Statutory change will be inadequate if those responsible for delivering collective worship or times for reflection do not receive adequate training and resources from schools and government. Any new settlement must indicate how head teachers and governors can be properly supported.
- **Undertake research on current practice and on what pupils, staff and parents would like to see in assemblies.**
  - Any new settlement needs to be designed with the needs and preferences of pupils and staff in mind.
  - Examples of current best practice which promote pupils' spiritual, moral, social and cultural development should be disseminated widely.

119. One participant also suggested that parents could **challenge the legality of the current framework** in the courts under the Human Rights Act.

120. **Further questions to be debated about the details of a new settlement include:**

- What should the purpose(s) of inclusive assemblies / times for reflection be?
- What are pupils supposed to gain from this time?
- What constitutes best practice and how can such assemblies be evaluated?
- How will such assemblies relate to, or differ from, Religious Education?
- How can compliance with a new (statutory) framework be ensured?
- Should the right to withdraw from such assemblies be kept or abolished?

## 5. Final reflections

121. In our final session, a number of general reflections were offered about our discussions and the way forward.
122. It was encouraging to see that **there is a strong level of agreement** between different groups and perspectives that these discussions are important and that some form of change in the settlement on religion in schools is needed. All participants agreed that there is an **urgent need to raise the quality and status of Religious Education** in schools. All agreed that *“young people need to be equipped with the ability to understand these things.”*
123. On specific issues there are also high levels of agreement. There was a clear sense among most participants that **there needs to be some kind of national syllabus or framework for Religious Education**, that it must be academically rigorous, but also be ‘light touch’ and flexible enough to reflect local contexts and needs. A rigorous inspection regime is needed to back it up. On admissions arrangements, all agreed that **socioeconomic segregation must be combatted** as far as possible. All recognised the **distorting effect of London experiences** on the evidence. Problems that are particularly pronounced in London are presented as being widespread across the country, and government policy is too commonly driven by issues that are often London-centric.
124. There are **other areas, however, where agreement is much less easy to find** – particularly on the details of possible approaches and solutions. More work is needed to determine whether, and how, broad consensus on reform can be reached.
125. **More research is needed in a number of areas.** As discussed above, we need more research on the current state of Religious Education in schools across the country; on the admissions arrangements of schools with a religious character which do not contribute to religious or socioeconomic segregation; and on what pupils, staff and parents would like to see in collective worship or times for reflection. It was also suggested that work needs to be done to develop a typology for different kinds of schools with a religious character, so that they can be discussed in a much more nuanced way.

*“We are at a moment now where, if we can get our act together, we could move to a better phase”.*

126. Finally, **the momentum for change is growing and now is the right time for it.** The system of locally agreed syllabuses for Religious Education is deteriorating, particularly as academisation continues apace. At the same time, the government is very concerned to promote ‘British values’ in schools. It may be that these two issues together will encourage government ministers to engage with Religious Educationalists and hear their proposals. The Religious Education community will be in a much stronger negotiating position if it can offer to government a clear proposal for a new settlement which is backed by as many relevant parties as possible. **This reduces the risk for politicians and would make political action more likely.**



127. But there is also a danger that if the Religious Education community does not set the agenda and drive change, then others will and potentially in the wrong direction. There is a great deal of potential and much to be optimistic about – but more needs to be done to develop a clearer vision about the future of religion in schools.

## Appendix 1: Recommendations from *A New Settlement*<sup>81</sup>

### Collective worship

1. The current requirement in statute for an Act of Collective Worship should be abolished, and the decision about the form and character of school assemblies should be left to the governors of individual schools. Schools should be required to set out their statement and strategy for promoting Spiritual, Moral, Social and Cultural Education, with school community assemblies as an important part of that strategy, upon which they would be inspected by OFSTED. The government should provide non-statutory guidance to help achieve this.

### Religious Education

2. Consideration be given to using the phrase 'Religious and Moral Education' rather than 'Religious Education' in describing this part of the statutory curriculum.
3. The Religious Education syllabus in county and voluntary controlled schools should no longer be set by a system of agreed local syllabuses, but by an agreed national syllabus which would have a similar legal status to the requirements of other subjects in the National Curriculum.
4. The nationally-agreed syllabus would be determined by the Secretary of State in agreement with a newly created 'National Standing Advisory Council on Religious Education (NASACRE)' comprising experts on religion and education, and after formal consultation and input from the relevant established professional bodies and representatives of religions, humanism and other belief systems. This nationally-agreed syllabus should be reviewed every 5/7 years.
5. The government discusses with the faith school providers, including academies and free schools, the merits of voluntary-aided and foundation faith schools adopting this nationally-agreed syllabus and, on the basis of such discussions, considers legislating to require all maintained schools to adopt this syllabus.
6. The government also discusses with faith school providers including academies and free schools, the importance of making a distinction within schools between religious instruction, formation and education, including agreement that religious instruction (even of a kind which does not include coercion, or distortion of other religions or beliefs) does not take place within the school day.
7. In addition, the government discusses with independent schools whether they should adopt this nationally-agreed syllabus and, on the basis of such discussions, considers legislating to require all schools to adopt this syllabus.

8. If these changes are agreed, the right of parents to withdraw their children from the Religious Education part of the curriculum should be abolished.
9. The legal requirement for Religious Education at Key Stage 5, after the age of 16, should be removed and that, within the context of a general reform of the curriculum at Key Stage 4, consideration should be given to modifying the legal requirement for Religious Education to a wider study of religious, spiritual, moral, ethical, social, and cultural values.
10. All faith schools, and possibly all schools in receipt of state funding, clearly advertise and explain the kind of religious (or non-religious) ethos and formation which they offer, so that prospective parents and pupils can make informed choices.
11. The local Standing Advisory Councils on Religious Education (SACRE) are given a new role which includes participating in the consultations about the content of the national RE curriculum, helping local implementation of the national RE syllabus, promoting community cohesion and educating for diversity, and advising on local availability of religious instruction.
12. An important, though not the only, way to promote community cohesion and to counter radicalization across the school system is to make the kinds of curriculum change which we are proposing. OFSTED should re-establish a strong inspection system to ensure that all schools, faith or not, properly fulfil their duty to promote community cohesion.

### Schools with a religious character

13. Children of families of faith should where possible be able to attend schools of that faith, and that their current right to be given priority in the admissions process should not be removed.
14. The churches need to make strong and continued progress in addressing the very real concerns about fairness, and that changes to the current legal position should be considered as an urgent matter if faith bodies fail to make progress in the directions which they have set for themselves. We believe that there are legitimate concerns about using regular attendance at worship as a selection criterion and we recommend that this criterion be kept under review.
15. Further effort be given to developing alternative proposals for fairer admissions procedures to faith schools, procedures which balance the rights of families of faith to have their children educated in that faith with other considerations of fairness to others and serving the whole local community.
16. The ability of faith schools to retain their own inspection process for the content of collective worship and religious formation should be reconsidered within the context of the overall changes we propose.
17. The inspection regime for independent schools continue to be steadily tightened in the context of the curricular changes we propose.
18. The current arrangements which enable faith schools to discriminate in their employment are kept under review, given legitimate concerns about their necessity and their effects.



## Appendix 2: List of participants

Mr Alan Brine	Lead Consultant Culham St Gabriel's Trust
Dr Priscilla Chadwick	Chair of Trustees Culham St Gabriel's Trust
Dr Mark Chater	Director Culham St Gabriel's Trust
Rt Hon Charles Clarke	Visiting Professor in Politics and Faith University of Lancaster
Mr Andrew Copson	Chief Executive British Humanist Association
Professor Adam Dinham	Director Faiths and Civil Society Unit Goldsmiths, University of London
Mr Stephen Evans	Campaigns Manager National Secular Society
Dr Robert Freathy	Associate Professor of History of Education University of Exeter
Professor Brian Gates	Emeritus Professor of Religion, Ethics & Education University of Cumbria
Mr David Hampshire	Chair National Association of Standing Advisory Councils on Religious Education
Mr Jay Harman	Faith Schools and Education Campaigner British Humanist Association
Ms Joanne Harris	Head of Humanities Broughton High School / National Association of Teachers of Religious Education
Mr Derek Holloway	School Character and SIAMS Development Manager Education Office of the Church of England
Professor Robert Jackson	Emeritus Professor in Religions and Education, Visiting Professor in Education University of Warwick, Stockholm University
Dr Jagbir Jhutti-Johal	Senior Lecturer in Theology and Religion University of Birmingham

Dr Manon Jones	Head of Curriculum Design & Development – Humanities & Languages, Literacy and Communication Welsh Government
Mr John Keast	Consultant Former Chair RE Council of England and Wales; currently Culham St Gabriel's Trust
Ms Sarah Lane Cawte	Education Officer Free Churches Group
Mr Rudolf Elliott Lockhart	Chief Executive Officer Religious Education Council of England and Wales
Mr Neil McKain	Head of Religious Studies Pipers Corner School
Dr Joyce Miller	Associate Fellow, WRERU University of Warwick
Mrs Elizabeth Oldfield	Director Theos think tank
Professor Stephen Parker	Professor of the History of Religion and Education University of Worcester
Dr Elizabeth Passmore	Chief Schools Adjudicator Office of the Schools Adjudicator
Ms Catherine Pepinster	Editor The Tablet
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Mr Paul Pettinger	National Coordinator Accord Coalition
Rabbi Dr Jonathan Romain	Chair Accord Coalition
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## Endnotes

- <sup>1</sup> Robert Jackson (2014), *Signposts: Policy and Practice for Teaching about Religions and Non-Religious Worldviews in Intercultural Education*. Strasbourg: Council of Europe Publishing.
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<https://corablivingwithdifference.files.wordpress.com/2015/12/living-with-difference-online.pdf>.
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- <sup>4</sup> Charles Clarke and Linda Woodhead (2015), *A New Settlement: Religion and Belief in Schools*. Lancaster: Westminster Faith Debates. <http://faithdebates.org.uk/wp-content/uploads/2015/06/A-New-Settlement-for-Religion-and-Belief-in-schools.pdf>.
- <sup>5</sup> Clarke and Woodhead (2015), *A New Settlement*, p. 9. It should be noted that *A New Settlement* focuses on the situation in England only, as the legal frameworks for education are different in Wales, Scotland and Northern Ireland.
- <sup>6</sup> Most of this section is taken from a presentation given by participants Dr Robert Freathy and Professor Stephen Parker.
- <sup>7</sup> Education Act (1944). London: HMSO, s. 9, 15. <http://www.legislation.gov.uk/ukpga/Geo6/7-8/31/contents/enacted>.
- <sup>8</sup> Ibid, s. 35-36.
- <sup>9</sup> Ibid, s. 25(2). The term 'religious education' refers in the Act to collective worship and 'religious instruction' together.
- <sup>10</sup> Ibid, sch. 5.
- <sup>11</sup> Ibid, s. 29.
- <sup>12</sup> Education Reform Act (1988). London: HMSO, s. 11.  
<http://www.legislation.gov.uk/ukpga/1988/40/section/11/enacted>.
- <sup>13</sup> Education Act (1944), s. 28(1).
- <sup>14</sup> Ibid, s. 25(1).
- <sup>15</sup> Ibid, s. 26-27.
- <sup>16</sup> Ibid, s. 25(4-5). The right of withdrawal was established before 1944 – see Elementary Education Act (1870). London: HMSO, s. 7(1-2). <http://www.educationengland.org.uk/documents/acts/1870-elementary-education-act.html>.
- <sup>17</sup> Education Reform Act (1988), s. 2.
- <sup>18</sup> Ibid, s. 8(3).
- <sup>19</sup> Ibid, s. 7(1-2).
- <sup>20</sup> National Association of Teachers of RE [n.d.], *Religious Education (RE) and Collective Worship in Academies and Free Schools Q&A*. Birmingham: NATRE, pp. 1-3.  
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- <sup>24</sup> Ibid, p. 2.
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<sup>27</sup> OFSTED (2013), *Religious Education: Realising the Potential* (2013), pp. 5, 12.

<sup>28</sup> National Association of Teachers of RE (2015), 'Full course GCSE Religious Studies entries rise, but number of schools with no RS students at all is increasing', 20 August. <http://www.natre.org.uk/news/latest-news/full-course-gcse-religious-studies-entries-rise-but-number-of-schools-with-no-rs-students-at-all-is-increasing/>.

<sup>29</sup> This was the finding of an in-depth study in 2010: 'The development of personal and social values, of positive attitudes towards those of other religions, and of critical thinking, was given higher priority in religious education than knowledge about religions by the majority of teachers in the case study schools.' Robert Jackson et al (2010), *Materials Used to Teach about World Religions in Schools in England*. Research Report DCSF-RR197. London: Department for Children, Schools and Families, p. 3.

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<sup>30</sup> R (Fox & Ors) v Secretary of State for Education [2015] EWHC 3404 (Admin). See

<https://www.judiciary.gov.uk/wp-content/uploads/2015/11/r-fox-v-ssfe.pdf>.

<sup>31</sup> See further Giles Freathy et al (2015), *The RE-searchers: A New Approach to Religious Education in Primary Schools*. Exeter: University of Exeter.

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<sup>41</sup> James C. Conroy et al (2013), *Does Religious Education Work? A Multi-dimensional Investigation*. London: Bloomsbury T&T Clark.

<sup>42</sup> The results of this work will be published in 2016.

<sup>43</sup> The Equality Act (2010). London: HMSO, s. 85; sch. 11, s. 5.

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<sup>45</sup> The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations (2012), SI 2012/8. London: HMSO, reg. 34, schs. 3, 4.  
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<sup>46</sup> With the exception of designated grammar schools. Department for Education (2014), *School Admissions Code*, p. 22, para. 2.8.

<sup>47</sup> Ibid, p. 31, para. 82.

<sup>48</sup> Ibid, p. 16, para. 1.38.

<sup>49</sup> Ibid, p. 16, para. 1.37.

<sup>50</sup> A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions at the time of making an application to a school. Children Act (1989). London: HMSO, s. 22. <http://www.legislation.gov.uk/ukpga/1989/41/contents>.

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<sup>52</sup> Excluding schools for 16 to 19 year olds.

<sup>53</sup> Office of the Schools Adjudicator (2015), *Office of the Schools Adjudicator Annual Report: September 2014 to August 2015*. Darlington: OSA, p. 20, para. 42.

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<sup>54</sup> In 2014/15, 61 objections were upheld, 98 were partially upheld and 51 were not upheld. Ibid, p. 20, para. 42.

<sup>55</sup> In 2014/15, parents accounted for about half of all objections. Ibid, p. 21, para. 44.

<sup>56</sup> New objections concerning schools with a religious character, including oversubscription criteria based on religion, were received in 2014/15 from a range of objectors. Ibid, p. 29, para. 78.

<sup>57</sup> Ibid, pp. 23, 30-31, paras. 55, 81, 83.

<sup>58</sup> The School Admissions Code requires that schools' oversubscription policies should be easily understandable (see Paragraph 67). The Code also requires that once admissions authorities have determined their admissions arrangements, "they must notify the appropriate bodies and must publish a copy of the determined arrangements on their website displaying them for the whole offer year (the academic year in which offers for places are made)." Department for Education (2014), *School Admissions Code*, p. 19, para 1.47.

<sup>59</sup> Office of the Schools Adjudicator (2015), *Office of the Schools Adjudicator Annual Report*, p. 13, para. 26.

<sup>60</sup> For case studies on recent contraventions of the Code by schools with a religious character, see Richy Thompson (2015), *An Unholy Mess: How Virtually All Religiously Selective State Schools in England are Breaking the Law*. London: British Humanist Association. <http://fairadmissions.org.uk/wp-content/uploads/2015/09/An-Unholy-Mess.pdf>.

<sup>61</sup> School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations (2012), reg. 34, schs. 3, 4, as amended. See Note 43.

<sup>62</sup> Some Church of England secondary schools have oversubscription criteria which allow prioritisation by reference to religion for only some of their places.

<sup>63</sup> Fair Admissions Campaign (2013), *Faith Admissions Campaign Map: In-Depth Briefing*. <http://fairadmissions.org.uk/wp-content/uploads/2013/12/Fair-Admissions-Campaign-map-in-depth-briefing.pdf>.

<sup>64</sup> See UN General Assembly (1989) *Convention on the Rights of the Child*, 20 November. Treaty Series, Vol. 1577, p. 3, art. 14.

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- <sup>72</sup> School Standards and Framework Act (1998), sch. 20, para. 4. National Association of Teachers of RE [n.d.], *Religious Education (RE) and Collective Worship*, p. 4.
- <sup>73</sup> School Standards and Framework Act (1998), s. 71.
- <sup>74</sup> Education and Inspections Act (2006). London: HMSO, s. 55(8-9).  
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- <sup>77</sup> The requirement for collective worship to be held for all pupils together was removed by the Education Reform Act (1988), s. 6(2).
- <sup>78</sup> See further <http://www.sealcommunity.org/>.
- <sup>79</sup> Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended), art. 9. [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf).
- <sup>80</sup> Pupils over the age of 16 or in sixth form education do have the right to withdraw themselves. Education and Inspections Act (2006) s. 55(8-9).
- <sup>81</sup> Clarke and Woodhead (2015), *A New Settlement*, pp. 63-66.