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# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART II

#### NEW FRAMEWORK FOR MAINTAINED SCHOOLS

### CHAPTER VI

#### RELIGIOUS EDUCATION [<sup>F1</sup>ETC] AND WORSHIP

#### Textual Amendments

- F1** Words in Pt. 2 Ch. 6 inserted (30.4.2021) by [Curriculum and Assessment \(Wales\) Act 2021 \(asc 4\)](#), ss. 73, 84(1), [Sch. 2 para. 32](#)

#### *[<sup>F2</sup>Designation of schools: Wales*

#### Textual Amendments

- F2** S. 68A inserted (30.4.2021) by [Curriculum and Assessment \(Wales\) Act 2021 \(asc 4\)](#), ss. 73, 84(1), [Sch. 2 para. 33](#)

#### **68A Designation of schools with a religious character: Wales**

- (1) For the purposes of this Part and the Curriculum and Assessment (Wales) Act 2021 a foundation or voluntary school in Wales has a religious character if it is designated as a school having such a character by an order made by the Welsh Ministers.
- (2) An order under subsection (1) must state the religion or religious denomination in accordance with whose tenets provision in the school's curriculum in respect of

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Religion, Values and Ethics is, or may be, required to be designed and implemented under the Curriculum and Assessment (Wales) Act 2021 (or, as the case may be, each such religion or religious denomination).

- (3) The procedure to be followed in connection with—
- (a) the designation of a school in an order under subsection (1), and
  - (b) the statement required by subsection (2),
- may be specified in regulations made by the Welsh Ministers.
- (4) Any order made under section 69(3) in respect of a foundation or voluntary school in Wales that has effect immediately before the coming into force of this section continues to have effect until revoked.
- (5) Where an order continues to have effect under subsection (4)—
- (a) the order is to be treated for all purposes as being an order made under this section,
  - (b) the school designated by the order is to be treated for all purposes as being designated under this section, and
  - (c) any references in the order to religious education are to be treated as being references to Religion, Values and Ethics.]

*Religious education [F3: England]*

#### Textual Amendments

- F3** Words in s. 69 cross-heading inserted (30.4.2021) by [Curriculum and Assessment \(Wales\) Act 2021](#) (asc 4), ss. 73, 84(1), [Sch. 2 para. 34](#)

#### **69 Duty to secure due provision of religious education [F4: England].**

- (1) Subject to section 71, in relation to any community, foundation or voluntary school [F5: in England]—
- (a) the [F6: local authority] and the governing body shall exercise their functions with a view to securing, and
  - (b) the head teacher shall secure,
- that religious education is given in accordance with the provision for such education included in the school's basic curriculum by virtue of [F7: section 80(1)(a) F8 ... of the Education Act 2002].
- (2) Schedule 19 has effect for determining the provision for religious education which is required by [F9: section 80(1)(a) F10 ...] of that Act to be included in the basic curriculum of schools within each of the following categories, namely—
- (a) community schools and foundation and voluntary schools [F11: in England] which do not have a religious character,
  - (b) foundation and voluntary controlled schools [F12: in England] which have a religious character, and
  - (c) voluntary aided schools [F13: in England] which have a religious character.
- (3) For the purposes of this Part a foundation or voluntary school [F14: in England] has a religious character if it is designated as a school having such a character by an order made by the Secretary of State.

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- (4) An order under subsection (3) shall state, in relation to each school designated by the order, the religion or religious denomination in accordance with whose tenets religious education is, or may be, required to be provided at the school in accordance with Schedule 19 (or, as the case may be, each such religion or religious denomination).
- (5) The procedure to be followed in connection with—
- (a) the designation of a school in an order under subsection (3), and
  - (b) the inclusion in such an order, in relation to a school, of the statement required by subsection (4),
- shall be specified in regulations.

#### Textual Amendments

- F4** Words in s. 69 heading inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), ss. 73, 84(1), **Sch. 2 para. 35(2)**
- F5** Words in s. 69(1) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), ss. 73, 84(1), **Sch. 2 para. 35(3)(a)**
- F6** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F7** Words in s. 69(1) substituted (1.10.2002 for E. for specified purposes, 19.12.2002 for W., 1.3.2003 for E. so far as not already in force) by Education Act 2002 (c. 32), ss. 215(1), 216, **Sch. 21 para. 104(2)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**, (with Sch.); S.I. 2002/3185, **art. 4**, Sch. Pt. 1; S.I. 2003/124, art. 2
- F8** Words in s. 69(1) omitted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), ss. 73, 84(1), **Sch. 2 para. 35(3)(b)**
- F9** Words in s. 69(2) substituted (1.10.2002 for E. for specified purposes, 19.12.2002 for W., 1.3.2003 for E. so far as not already in force) by Education Act 2002 (c. 32), ss. 215(1), 216, **Sch. 21 para. 104(3)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**, (with Sch.); S.I. 2002/3185, **art. 4**, Sch. Pt. 1; S.I. 2003/124, art. 2
- F10** Words in s. 69(2) omitted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), ss. 73, 84(1), **Sch. 2 para. 35(4)(a)**
- F11** Words in s. 69(2)(a) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), ss. 73, 84(1), **Sch. 2 para. 35(4)(b)**
- F12** Words in s. 69(2)(b) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), ss. 73, 84(1), **Sch. 2 para. 35(4)(c)**
- F13** Words in s. 69(2)(c) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), ss. 73, 84(1), **Sch. 2 para. 35(4)(d)**
- F14** Words in s. 69(3)(b) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), ss. 73, 84(1), **Sch. 2 para. 35(5)**

#### Modifications etc. (not altering text)

- C1** S. 69: power to disapply conferred (temp.) (23.6.2020) by 2020 c. 7, **Sch. 17 para. 7(5)(ca)** (with ss. 88-90) (as inserted (W.) by The Curriculum Requirements (Amendment of paragraph 7(5) of Schedule 17 to the Coronavirus Act 2020) (Wales) Regulations 2020 (S.I. 2020/624), regs. 1(2), **2(a)**)
- C2** S. 69: power to modify conferred (temp.) (26.8.2020) by 2020 c. 7, **Sch. 17 para. 7** (as amended (W.) by The Curriculum Requirements (Amendment of paragraph 7(6) of Schedule 17 to the Coronavirus Act 2020) (Wales) Regulations 2020 (S.I. 2020/891), regs. 1(2), **2(2)**)

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### Commencement Information

- II** S. 69 wholly in force at 1.9.1999; s. 69 not in force at Royal Assent see s. 145(3); s. 69(2)-(5) in force at 1.10.1998 by 1998/2212, art. 2, Sch. 1, Pt. I; s. 69 in force at 1.9.1999 in so far as not already in force by [S.I. 1999/2323](#), [art. 2\(1\)](#), [Sch. 1](#) (with [arts. 3-5](#), [Schs. 5-7](#)).

### *Religious worship*

## 70 Requirements relating to collective worship.

- (1) Subject to section 71, each pupil in attendance at a community, foundation or voluntary school shall on each school day take part in an act of collective worship.
- (2) Subject to section 71, in relation to any community, foundation or voluntary school—
  - (a) the [<sup>F6</sup>local authority] and the governing body shall exercise their functions with a view to securing, and
  - (b) the head teacher shall secure,
 that subsection (1) is complied with.
- (3) Schedule 20 makes further provision with respect to the collective worship required by this section, including provision relating to—
  - (a) the arrangements which are to be made in connection with such worship, and
  - (b) the nature of such worship.

### Textual Amendments

- F6** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's [Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 10\(2\)](#) (with [Sch. 2 para. 10\(4\)](#))

### Modifications etc. (not altering text)

- C3** [S. 70](#): power to modify conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), [s. 87\(1\)](#), [Sch. 17 para. 7](#) (with [ss. 88-90](#)) (which affecting provision expires (25.9.2022) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), [s. 89](#) (with [s. 90](#)))

### *Exceptions and special arrangements etc.*

## 71 Exceptions and special arrangements; provision for special schools.

- [<sup>F15</sup>(1) If the parent of a pupil at a community, foundation or voluntary school [<sup>F16</sup>in England] requests that he may be wholly or partly excused from receiving religious education given at the school in accordance with the school's basic curriculum, the pupil shall be so excused until the request is withdrawn.
- (1A) If the parent of any pupil at a community, foundation or voluntary school other than a sixth-form pupil requests that he may be wholly or partly excused from attendance at religious worship at the school, the pupil shall be so excused until the request is withdrawn.

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- (1B) If a sixth-form pupil requests that he may be wholly or partly excused from attendance at religious worship at a community, foundation or voluntary school, the pupil shall be so excused.]
- (2) In <sup>[F17]</sup>subsections (1) to (1B)—
- (a) the reference to religious education given in accordance with the school's basic curriculum is to such education given in accordance with the provision included in the school's basic curriculum by virtue of <sup>[F18]</sup>section 80(1)(a) <sup>F19</sup>... of the Education Act 2002], and
  - (b) the reference to religious worship in the school includes religious worship which by virtue of paragraph 2(6) of Schedule 20 takes place otherwise than on the school premises.
- (3) Where in accordance with subsection (1) <sup>[F20]</sup>or (1A)] a pupil has been wholly or partly excused from receiving religious education or from attendance at religious worship and the <sup>[F6]</sup>local authority] are satisfied—
- (a) that the parent of the pupil desires him to receive religious education of a kind which is not provided in the school during the periods of time during which he is so excused,
  - (b) that the pupil cannot with reasonable convenience be sent to another community, foundation or voluntary school where religious education of the kind desired by the parent is provided, and
  - (c) that arrangements have been made for him to receive religious education of that kind during school hours elsewhere,
- the pupil may be withdrawn from the school during such periods of time as are reasonably necessary for the purpose of enabling him to receive religious education in accordance with the arrangements.
- (4) A pupil may not be withdrawn from school under subsection (3) unless the <sup>[F6]</sup>local authority] are satisfied that the arrangements there mentioned are such as will not interfere with the attendance of the pupil at school on any day except at the beginning or end of a school session (or, if there is only one, the school session) on that day.
- (5) Where the parent of a pupil who is a boarder at a community, foundation or voluntary school <sup>[F21]</sup>and is not a sixth-form pupil] requests that the pupil be permitted—
- (a) to receive religious education in accordance with the tenets of a particular religion or religious denomination outside school hours, or
  - (b) to attend worship in accordance with such tenets on Sundays or other days exclusively set apart for religious observance by the religious body to which his parent belongs,
- the governing body shall make arrangements for giving the pupil reasonable opportunities for doing so.
- <sup>[F22]</sup>(5A) Where a sixth-form pupil who is a boarder at a community, foundation or voluntary school requests that he be permitted—
- (a) to receive religious education in accordance with the tenets of a particular religion or religious denomination outside school hours, or
  - (b) to attend worship in accordance with such tenets on Sundays or other days exclusively set apart for religious observance by the religious body to which the pupil belongs,
- the governing body shall make arrangements for giving the pupil reasonable opportunities for doing so.]

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- (6) Arrangements under subsection (5) [<sup>F23</sup>or (5A)] may provide for making facilities for such education or worship available on the school premises, but any expenditure entailed by the arrangements shall not be met from the school’s budget share or otherwise by the [<sup>F6</sup>local authority].
- [<sup>F24</sup>(7) Regulations shall make provision for ensuring that, so far as practicable, every pupil attending a community or foundation special school [<sup>F25</sup>in England]—
- (a) receives religious education unless withdrawn from receiving such education in accordance with the wishes of his parent, and
  - (b) attends religious worship unless withdrawn from attendance at such worship—
    - (i) in the case of a sixth-form pupil, in accordance with his own wishes, and
    - (ii) in any other case, in accordance with the wishes of his parent.]
- [<sup>F26</sup>(7A) Regulations made by the Welsh Ministers shall make provision for ensuring that, so far as practicable, every pupil attending a community or foundation special school in Wales attends religious worship unless withdrawn from attendance at such worship—
- (a) in the case of a sixth-form pupil, in accordance with the pupil’s own wishes, and
  - (b) in any other case, in accordance with the wishes of the pupil’s parent.]
- [<sup>F27</sup>(8) In this section “sixth-form pupil” means any pupil who—
- (a) has ceased to be of compulsory school age, and
  - (b) is receiving education suitable to the requirements of pupils over compulsory school age.]

#### Textual Amendments

- F6** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F15** S. 71(1)-(1B) substituted for s. 71(1) (1.9.2007 for E., 9.2.2009 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 55(2)**, 188(3); S.I. 2007/1801, art. 3(b); S.I. 2009/49, art. 2
- F16** Words in s. 71(1) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), ss. 73, 84(1), **Sch. 2 para. 36(2)**
- F17** Words in s. 71(2) substituted (1.9.2007 for E., 9.2.2009 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 55(3)**, 188(3); S.I. 2007/1801, art. 3(b); S.I. 2009/49, art. 2
- F18** Words in s. 71(2)(a) substituted (1.10.2002 for E. for specified purposes, 19.12.2002 for W., 1.3.2003 for E. so far as not already in force) by Education Act 2002 (c. 32), ss. 215(1), 216, **Sch. 21 para. 105** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**, (with Sch.); S.I. 2002/3185, **art. 4**, Sch. Pt. 1; S.I. 2003/124, art. 2
- F19** Words in s. 71(2)(a) omitted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), ss. 73, 84(1), **Sch. 2 para. 36(3)**
- F20** Words in s. 71(3) inserted (1.9.2007 for E., 9.2.2009 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 55(4)**, 188(3); S.I. 2007/1801, art. 3(b); S.I. 2009/49, art. 2
- F21** Words in s. 71(5) inserted (1.9.2007 for E., 9.2.2009 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 55(5)**, 188(3); S.I. 2007/1801, art. 3(b); S.I. 2009/49, art. 2
- F22** S. 71(5A) inserted (1.9.2007 for E., 9.2.2009 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 55(6)**, 188(3); S.I. 2007/1801, art. 3(b); S.I. 2009/49, art. 2
- F23** Words in s. 71(6) inserted (1.9.2007 for E., 9.2.2009 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 55(7)**, 188(3); S.I. 2007/1801, art. 3(b); S.I. 2009/49, art. 2

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- F24** S. 71(7) substituted (25.6.2007 for E., 9.2.2009 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 55(8)**, 188(3); S.I. 2007/1801, art. 2; S.I. 2009/49, art. 2
- F25** Words in s. 71(7) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), ss. 73, 84(1), **Sch. 2 para. 36(4)**
- F26** S. 71(7A) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), ss. 73, 84(1), **Sch. 2 para. 36(5)**
- F27** S. 71(8) inserted (25.6.2007 for E., 9.2.2009 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 55(9)**, 188(3); S.I. 2007/1801, art. 2; S.I. 2009/49, art. 2

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#### **Commencement Information**

- I2** S. 71 wholly in force at 1.9.1999; s. 71 not in force at Royal Assent see s. 145(3); s. 71(7) in force at 1.10.1998 by S.I. 1998/2212, art. 2, **Sch. 1, Pt. I**; s. 71 in force at 1.9.1999 in so far as not already in force by S.I. 1999/2323, art. 2(1), **Sch. 1** (with arts. 3-5, Schs. 5-7).

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