



# Education Act 1944

## 1944 CHAPTER 31

### PART II

#### THE STATUTORY SYSTEM OF EDUCATION

##### LOCAL ADMINISTRATION

##### *Religious Education in County and Voluntary Schools*

#### **25 General provisions as to religious education in county and in voluntary schools**

- (1) Subject to the provisions of this section, the school day in every county school and in every voluntary school shall begin with collective worship on the part of all pupils in attendance at the school, and the arrangements made therefor shall provide for a single act of worship attended by all such pupils unless, in the opinion of the local education authority or, in the case of a voluntary school, of the managers or governors thereof, the school premises are such as to make it impracticable to assemble them for that purpose.
- (2) Subject to the provisions of this section, religious instruction shall be given in every county school and in every voluntary school.
- (3) It shall not be required, as a condition of any pupil attending any county school or any voluntary school, that he shall attend or abstain from attending any Sunday school or any place of religious worship.
- (4) If the parent of any pupil in attendance at any county school or any voluntary school requests that he be wholly or partly excused from attendance at religious worship in the school, or from attendance at religious instruction in the school, or from attendance at both religious worship and religious instruction in the school, then, until the request is withdrawn, the pupil shall be excused from such attendance accordingly.
- (5) Where any pupil has been wholly or partly excused from attendance at religious worship or instruction in any school in accordance with the provisions of this section, and the local education authority are satisfied :—

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- (a) that the parent of the pupil desires him to receive religious instruction of a kind which is not provided in the school during the periods during which he is excused from such attendance;
- (b) that the pupil cannot with reasonable convenience be sent to another county or voluntary school where religious instruction of the kind desired by the parent is provided ; and
- (c) that arrangements have been made for him to receive religious instruction during school hours elsewhere,

the pupil may be withdrawn from the school during such periods as are reasonably necessary for the purpose of enabling him to receive religious instruction in accordance with the arrangements :

Provided that the pupil shall not be so withdrawn unless the local education authority are satisfied that the arrangements are such as will not interfere with the attendance of the pupil at school on any day except at the beginning or end of the school session on that day.

- (6) No directions shall be given by the local education authority as to the secular instruction to be given to pupils in attendance at a voluntary school so as to interfere with the provision of reasonable facilities for religious instruction in the school during school hours ; and no such direction shall be given so as to prevent a pupil from receiving religious instruction in accordance with the provisions of this section during the hours normally set apart for that purpose, unless arrangements are made whereby the pupil shall receive such instruction in the school at some other time.
- (7) Where the parent of any pupil who is a boarder at a county school or a voluntary school requests that the pupil be permitted to attend worship in accordance with the tenets of a particular religious denomination on Sundays or other days exclusively set apart for religious observance by the religious body to which, his parent belongs, or to receive religious instruction in accordance with such tenets outside school hours, the managers or governors of the school shall make arrangements for affording to the pupil reasonable opportunities for so doing and such arrangements may provide for affording facilities for such worship or instruction on the school premises, so however that such arrangements shall not entail expenditure by the local education authority.

## **26 Special provisions as to religious education in county schools**

Subject as hereinafter provided, the collective worship required by subsection (1) of the last foregoing section shall not, in any county school, be distinctive of any particular religious denomination, and the religious instruction given to any pupils in attendance at a county school in conformity with the requirements of subsection (2) of the said section shall be given in accordance with an agreed syllabus adopted for the school or for those pupils and shall not include any catechism or formulary which is distinctive of any particular religious denomination :

Provided that, where a county secondary school is so situated that arrangements cannot conveniently be made for the withdrawal of pupils from the school in accordance with the provisions of this Act to receive religious instruction elsewhere, then, if the local education authority are satisfied :—

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

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

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

## **27 Special provisions as to religious education in controlled schools**

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

- (2) Without prejudice to the duty to make such arrangements as aforesaid whatever the number of the teaching staff of the school, where the number of the teaching staff of a controlled school exceeds two the teaching staff shall include persons (hereinafter referred to as "reserved teachers") selected for their fitness and competence to give such religious instruction as is required to be given under such arrangements and specifically appointed to do so :

Provided that the number of reserved teachers in any controlled school shall not exceed one-fifth of the number of the teaching staff of the school including the head teacher, so, however, that where the number of the teaching staff is not a multiple of five it shall be treated for the purposes of this subsection as if it were the next higher multiple thereof.

- (3) The head teacher of a controlled school shall not, while holding that position, be a reserved teacher, but before appointing any person to be the head teacher of such a school the local education authority shall inform the managers or governors of the school as to the person whom they propose to appoint and shall consider any representations made by the managers or governors with respect to the proposed appointment.
- (4) Where the local education authority propose to appoint any person to be a reserved teacher in a controlled school, the authority shall consult the foundation managers or foundation governors of the school, and, unless the said managers or governors are satisfied as to that person's fitness and competence to give such religious instruction as is required in pursuance of such arrangements as aforesaid the authority shall not appoint that person to be a reserved teacher.
- (5) If the foundation managers or foundation governors of a controlled school are of opinion that any reserved teacher has failed to give such religious instruction as aforesaid efficiently and suitably, they may require the authority to dismiss him from employment as a reserved teacher in the school.
- (6) Subject to any arrangements made under subsection (1) of this section, the religious instruction given to the pupils in attendance at a controlled school shall be given in accordance with an agreed syllabus adopted for the school or for those pupils.

## **28 Special provisions as to religious education in aided schools and in special agreement schools**

- (1) The religious instruction given to the pupils in attendance at an aided school or at a special agreement school shall be under the control of the managers or governors of the school and shall be in accordance with any provisions of the trust deed relating to the school, or, where provision for that purpose is not made by such a deed, in accordance with the practice observed in the school before it became a voluntary school:

Provided that where the parents of pupils in attendance at the school desire them to receive religious instruction in accordance with any agreed syllabus adopted by the local education authority and cannot with reasonable convenience cause those pupils to attend any school at which that syllabus is in use, then, unless the authority are satisfied that owing to any special circumstances it would be unreasonable so to do, arrangements shall be made for religious instruction in accordance with that syllabus to be given to those pupils in the school during the times set apart for the giving of religious instruction therein, and such arrangements shall be made by the managers or governors of the school, so, however, that if the local education authority are satisfied that the managers or governors are unwilling to make such arrangements, the arrangements shall be made by the authority.

- (2) If a teacher appointed to give in an aided school religious instruction, other than instruction in accordance with an agreed syllabus, fails to give such instruction efficiently and suitably, he may be dismissed on that ground by the managers or governors of the school without the consent of the local education authority.
- (3) Where the special agreement made with respect to any special agreement school provides for the employment of reserved teachers, the local education authority shall, when they propose to appoint any person to be such a teacher in the school, consult the foundation managers or foundation governors of the school, and unless the said managers or governors are satisfied as to that person's fitness and competence to give such religious instruction as aforesaid, the authority shall not appoint that person to be such a teacher.
- (4) If the foundation managers or foundation governors of a special agreement school are of opinion that any such reserved teacher as aforesaid has failed to give, efficiently and suitably, such religious instruction as he was appointed to give, they may require the authority to dismiss him from employment as a reserved teacher in the school.

## **29 Provisions as to religious instruction in accordance with agreed syllabus**

- (1) The provisions of the Fifth Schedule to this Act shall have effect with respect to the preparation, adoption, and reconsideration, of an agreed syllabus of religious instruction.
- (2) A local education authority shall have power to constitute a standing advisory council on religious education to advise the authority upon matters connected with the religious instruction to be given in accordance with an agreed syllabus and, in particular, as to methods of teaching, the choice of books, and the provision of lectures for teachers.
- (3) The method of appointment of the members of any council constituted under the last foregoing subsection and the term of office and conditions of retirement of the members thereof shall be such as may be determined by the local education authority.

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- (4) A local education authority shall have regard to any unanimous recommendations which may be made to them by any conference convened in accordance with the provisions of the said Fifth Schedule with respect to the expediency of constituting such an advisory council as aforesaid or with respect to the method by which or the terms and conditions upon which members of any such council should be appointed.

### **30 Saving as to position of teachers**

Subject as hereinafter provided, no person shall be disqualified by reason of his religious opinions, or of his attending or omitting to attend religious worship, from being a teacher in a county school or in any voluntary school, or from being otherwise employed for the purposes of such a school ; and no teacher in any such school shall be required to give religious instruction or receive any less emolument or be deprived of, or disqualified for, any promotion or other advantage by reason of the fact that he does or does not give religious instruction or by reason of his religious opinions or of his attending or omitting to attend religious worship :

Provided that, save in so far as they require that a teacher shall not receive any less emolument or be deprived of, or disqualified for, any promotion or other advantage by reason of the fact that he gives religious instruction or by reason of his religious opinions or of his attending religious worship, the provisions of this section shall not apply with respect to a teacher in an aided school or with respect to a reserved teacher in any controlled school or special agreement school.