Education Act 1996

1996 CHAPTER 56

PART V

THE CURRICULUM

CHAPTER III

RELIGIOUS EDUCATION AND WORSHIP

Agreed syllabuses

375 Agreed syllabuses of religious education.

(1) Subject to the provisions of Schedule 31, any agreed syllabus in force immediately before the commencement of this Act shall continue to have effect.

(2) In this Act "agreed syllabus" means a syllabus of religious education—

(a) prepared before the commencement of this Act in accordance with Schedule 5 to the [M1]Education Act 1944 or after commencement in accordance with Schedule 31, and

(b) adopted by a local education authority under that Schedule,

whether it is for use in all the schools maintained by them or for use in particular such schools or in relation to any particular class or description of pupils in such schools.

(3) Every agreed syllabus shall 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.

(4) Any reference in this Act to an agreed syllabus adopted by a local education authority includes a reference to an agreed syllabus deemed to be adopted by such an authority by virtue of paragraph 11 of Schedule 5 to the [M2]Education Act 1944 or paragraph 14 of Schedule 31; and accordingly, in relation to an agreed syllabus deemed to be so adopted, any reference to the date on which an agreed syllabus was adopted is

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a reference to the date of deemed adoption specified by the Secretary of State in a direction under that paragraph.

(5) Subsection (3) does not apply to any agreed syllabus adopted before 29th September 1988.

Marginal Citations

M1 1944 c. 31.

M2 1944 c. 31.

Required provision for religious education

376 Religious education: county schools.

(1) In the case of a county school, the provision for religious education for pupils at the school which is required by section 352(1)(a) to be included in the school's basic curriculum is provision for religious education in accordance with an agreed syllabus adopted for the school or for those pupils.

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

(3) If, in the case of a county secondary school so situated that arrangements cannot conveniently be made for the withdrawal of pupils from it in accordance with section 389 to receive religious education elsewhere, the local education authority are satisfied—

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

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

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

377 Religious education: controlled schools.

(1) In the case of a controlled school, the provision for religious education for pupils at the school which is required by section 352(1)(a) to be included in the school's basic curriculum shall be provision for religious education—

(a) in accordance with any arrangements made under subsection (2), or

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

(2) Where the parents of any pupils at a controlled school request that they may receive religious education—

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

the foundation governors shall (unless they are satisfied that because of any special circumstances it would be unreasonable to do so) make arrangements for securing that such religious education is given to those pupils in the school during not more than two periods in each week.

378 Religious education: aided and special agreement schools.

(1) In the case of an aided or special agreement school, the provision for religious education for pupils at the school which is required by section 352(1)(a) to be included in the school's basic curriculum is provision for religious education—
(a) in accordance with any provisions of the trust deed relating to the school, or
(b) where provision for that purpose is not made by such a deed, in accordance with the practice observed in the school before it became a voluntary school, or
(c) in accordance with any arrangements made under subsection (2).

(2) Where the parents of any pupils at an aided or special agreement school—
(a) desire them to receive religious education in accordance with any agreed syllabus adopted by the local education authority, and
(b) cannot with reasonable convenience cause those pupils to attend a school at which that syllabus is in use,

arrangements shall be made (unless the authority are satisfied that because of any special circumstances it would be unreasonable to do so) for religious education in accordance with that syllabus to be given to those pupils in the school.

(3) Religious education under any such arrangements shall be given during the times set apart for the giving of religious education in the school in accordance with the provision for that purpose included in the school's basic curriculum by virtue of section 352(1)(a).

(4) Any arrangements under subsection (2) shall be made by the governing body, unless the local education authority are satisfied that the governing body are unwilling to make them, in which case they shall be made by the authority.

(5) Subject to subsection (4), the religious education given to pupils at an aided or special agreement school shall be under the control of the governing body.

379 Religious education: grant-maintained schools (former county schools and certain new schools).

(1) Subject to section 383, this section applies in relation to a grant-maintained school if—
(a) it was a county school immediately before it became grant-maintained,
(b) it was established in pursuance of proposals published under section 211, or
(c) it was established in pursuance of proposals published under section 212 and neither any trust deed relating to the school nor the statement required by paragraph 8 of Schedule 20 makes provision as to the religious education for pupils at the school.

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(2) The provision for religious education for pupils at the school which is required by section 352(1)(a) to be included in the school's basic curriculum is provision for religious education in accordance with the appropriate agreed syllabus.

(3) That syllabus shall not provide for religious education to be given to pupils at the school by means of any catechism or formulary which is distinctive of a particular religious denomination (but this is not to be taken as prohibiting provision in the syllabus for the study of such catechisms or formularies).

(4) If, in the case of a secondary school so situated that arrangements cannot conveniently be made for the withdrawal of pupils from it in accordance with section 389 to receive religious education elsewhere, the governing body are satisfied—

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

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

the governing body shall (unless they are satisfied that because of any special circumstances it would be unreasonable to do so) provide facilities for the carrying out of those arrangements.

380 Religious education: grant-maintained schools (former controlled schools).

(1) Subject to section 383, this section applies in relation to a grant-maintained school which was a controlled school immediately before it became grant-maintained.

(2) The provision for religious education for pupils at the school which is required by section 352(1)(a) to be included in the school's basic curriculum is provision for religious education—

(a) in accordance with any arrangements made under subsection (3), or

(b) subject to any such arrangements, in accordance with the appropriate agreed syllabus.

(3) Where the parents of any pupils at the school have requested (whether before or after the school became grant-maintained) that the pupils may receive religious education—

(a) in accordance with any provisions of the trust deed relating to the school, or

(b) 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 grant-maintained school,

the foundation governors shall (unless they are satisfied that because of any special circumstances it would be unreasonable to do so) make arrangements for securing that such religious education is given to those pupils in the school during not more than two periods in each week.

381 Religious education: grant-maintained schools (former aided or special agreement schools and certain new schools).

(1) Subject to section 383, this section applies in relation to a grant-maintained school if—

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(a) it was an aided or special agreement school immediately before it became grant-maintained, or

(b) it was established in pursuance of proposals published under section 212 and either any trust deed relating to the school or the statement required by paragraph 8 of Schedule 20 makes provision as to the religious education for pupils at the school.

(2) The provision for religious education for pupils at the school which is required by section 352(1)(a) to be included in the school's basic curriculum is provision for religious education—

(a) in accordance with any provisions of any trust deed relating to the school, or

(b) where provision for that purpose is not made by such a deed, in accordance with—

(i) the practice observed in the school before it became a grant-maintained school, if it is a former aided or special agreement school, or

(ii) the statement required by paragraph 8 of Schedule 20, if it is a school established in pursuance of proposals published under section 212, or

(c) in accordance with any arrangements made under subsection (3).

(3) Where the parents of any pupils at the school—

(a) desire them to receive religious education in accordance with any agreed syllabus adopted by the local education authority for the area in which the school is situated for use in schools maintained by the authority, and

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

the governing body shall (unless they are satisfied that because of any special circumstances it would be unreasonable to do so) make arrangements for religious education in accordance with that syllabus to be given to those pupils in the school.

(4) Religious education under any such arrangements shall be given during the times set apart for the giving of religious education in the school in accordance with the provision for that purpose included in the school's basic curriculum by virtue of section 352(1)(a).

(5) The head teacher of a school to which this section applies shall give notice in writing of any agreed syllabus which is in use at the school in accordance with subsection (3) to the standing advisory council on religious education constituted by the local education authority in whose area the school is situated.

382 Meaning of "the appropriate agreed syllabus" in sections 379 and 380.

(1) For the purposes of sections 379(2) and 380(2) "the appropriate agreed syllabus", in relation to a grant-maintained school or to any pupils at it, is—

(a) the agreed syllabus adopted for the time being by the local education authority for the area in which the school is situated for use in the schools maintained by the authority;

(b) if there is more than one such syllabus, such one of them as the governing body shall determine; or

(c) if the governing body select for the school or those pupils an agreed syllabus which—

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(i) was adopted on or after 29th September 1988 by a local education authority other than the authority in whose area the school is situated, and

(ii) has not been replaced by a new agreed syllabus,

that syllabus.

(2) In relation to a school in Wales, in subsection (1)(c) "local education authority" means a local education authority in Wales.

383 Changes in religious education and worship.

(1) Subsection (2) applies where, in the case of a grant-maintained school in relation to which section 379 or 380 for the time being applies, proposals that the required provision for religious education should be provision for religious education in accordance with the tenets of a particular religion or religious denomination are approved under section 261.

(2) From the time at which the proposals fall to be implemented—

(a) the required provision for religious education shall (subject to subsection (3)) be provision for religious education either in accordance with the tenets of that religion or religious denomination or in accordance with any arrangements made under section 381(3) (as applied by paragraph (b)),

(b) section 381(3) to (5) shall apply in relation to the school, and

(c) any provisions of section 379, 380, 385(4), 386 or 387 which apply in relation to the school shall cease to apply in relation to it.

(3) Where, in the case of any grant-maintained school, proposals that the required provision for religious education should be provision for religious education otherwise than in accordance with the tenets of a particular religion or religious denomination are approved under section 261—

(a) sections 379 and 386 shall apply in relation to the school from the time at which the proposals fall to be implemented, and

(b) any provisions of section 380 or 381 which apply in relation to the school shall cease to apply in relation to it from that time.

(4) In this section "the required provision for religious education", in relation to a school, means the provision for religious education for pupils at the school which is required by section 352(1)(a) to be included in the school's basic curriculum.

384 Duty to secure religious education is given in accordance with required provision in curriculum.

Subject to section 389, in relation to any maintained school (other than a maintained special school)—

(a) the local education 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 section 352(1)(a).

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Religious worship

385 Collective worship.

(1) Subject to section 389, all pupils in attendance at a maintained school other than a maintained special school shall on each school day take part in an act of collective worship.

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

(3) For the purposes of subsection (2) a "school group" is any group in which pupils are taught or take part in other school activities.

(4) Subject to subsection (6), the arrangements for the collective worship required by this section shall be made—
   (a) in the case of a county school or a grant-maintained school in relation to which section 379 applies, by the head teacher after consultation with the governing body; and
   (b) in the case of a voluntary school or a grant-maintained school other than one in relation to which section 379 applies, by the governing body after consultation with the head teacher.

(5) Subject to subsection (6), the collective worship in a school required by this section shall take place on the school premises.

(6) If the governing body of an aided, special agreement or grant-maintained school are of the opinion that it is desirable that any act of collective worship in the school required by this section should, on a special occasion, take place elsewhere than on the school premises, they may, after consultation with the head teacher, make such arrangements for that purpose as they think appropriate.

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

386 Collective worship in county schools and certain grant-maintained schools to be broadly Christian.

(1) Subsections (2) to (6) apply—
   (a) (subject to section 387) in relation to a county school, and
   (b) (subject to sections 383 and 387) in relation to a grant-maintained school in relation to which section 379 applies,

(2) The collective worship required in the school by section 385 shall be wholly or mainly of a broadly Christian character.

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

(4) Not every act of collective worship in the school required by section 385 need comply with subsection (2) provided that, taking any school term as a whole, most such acts which take place in the school do comply with that subsection.

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(5) Subject to subsections (2) and (4)—

(a) the extent to which (if at all) any acts of collective worship required by section 385 which do not comply with subsection (2) take place in the school,

(b) the extent to which any act of collective worship in the school which complies with subsection (2) reflects the broad traditions of Christian belief, and

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

shall be such as may be appropriate having regard to any relevant considerations relating to the pupils concerned which fall to be taken into account in accordance with subsection (6).

(6) Those considerations are—

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

(b) their ages and aptitudes.

(7) In subsections (2) to (6) as they apply in relation to a grant-maintained school, references to acts of collective worship in the school include such acts which by virtue of section 385(6) take place otherwise than on the school premises.

387 Disapplication of requirement for Christian collective worship.

(1) Subsection (2) applies where—

(a) a standing advisory council on religious education determine (under section 394) that it is not appropriate for the requirement imposed by section 386(2) to apply in the case of a school or in the case of any class or description of pupils at a school, or

(b) such a council had so determined in the case of a grant-maintained school, or pupils at such a school, before the school became grant-maintained.

(2) While the determination has effect—

(a) section 386 shall not apply in relation to the school or (as the case may be) pupils in question, and

(b) the collective worship required by section 385 in the case of the school or pupils shall not be distinctive of any particular Christian or other religious denomination;

but paragraph (b) shall not be taken as preventing that worship from being distinctive of any particular faith.

(3) In this section references to a school are references to a county school or to a grant-maintained school in relation to which section 379 applies.

388 Duty to secure participation in collective worship.

Subject to section 389, in relation to any maintained school (other than a maintained special school)—

(a) the local education authority and the governing body shall exercise their functions with a view to securing, and

(b) the head teacher shall secure,

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that all pupils in attendance at the school take part in the daily collective worship required by section 385.

Exceptions and special arrangements

389 Exceptions and special arrangements.

(1) If the parent of a pupil at a maintained school requests that he may be wholly or partly excused—
  (a) from receiving religious education given in the school in accordance with the school's basic curriculum,
  (b) from attendance at religious worship in the school, or
  (c) both from receiving such education and from such attendance,

the pupil shall be so excused until the request is withdrawn.

(2) In subsection (1)—
  (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 section 352(1)(a), and
  (b) the reference to religious worship in the school includes religious worship which by virtue of section 385(6) takes place otherwise than on the school premises.

(3) Where in accordance with subsection (1) a pupil has been wholly or partly excused from receiving religious education or from attendance at religious worship and the responsible 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 maintained 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 responsible 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 maintained school 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,

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the governing body shall make arrangements for giving the pupil reasonable opportunities for doing so.

(6) Arrangements under subsection (5) may provide for making facilities for such education or worship available on the school premises, but the arrangements shall not entail expenditure by the responsible authority.

(7) In this section—

"maintained school" does not include a maintained special school, and

"the responsible authority", in relation to a county or voluntary school, means the local education authority, and, in relation to a grant-maintained school, means the governing body.

Constitution of standing advisory councils on religious education

390 Constitution of advisory councils.

(1) A local education authority shall constitute a standing advisory council on religious education for the purposes mentioned in section 391(1).

(2) The council shall consist of—

(a) such groups of persons appointed by the authority as representative members ("representative groups") as are required by subsection (4), and

(b) a person appointed as a member by the governing bodies of the grant-maintained schools within the area of the authority in relation to which section 379 or 380 applies.

(3) The council may also include co-opted members (that is, persons co-opted as members of the council by members of the council who have not themselves been so co-opted).

(4) The representative groups required by this subsection are—

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

(b) except in the case of an area in Wales, a group of persons to represent the Church of England;

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

(d) a group of persons to represent the authority.

(5) Where a representative group is required by subsection (4)(b), the representative group required by subsection (4)(a) shall not include persons appointed to represent the Church of England.

(6) The number of representative members appointed to any representative group under subsection (4)(a) to represent each denomination or religion required to be represented shall, so far as consistent with the efficient discharge of the group's functions, reflect broadly the proportionate strength of that denomination or religion in the area.

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

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391 Functions of advisory councils.

(1) The purposes referred to in section 390(1) are—

(a) to advise the local education authority upon such matters connected with religious worship in county schools and the religious education to be given in accordance with an agreed syllabus as the authority may refer to the council or as the council may see fit, and

(b) to carry out the functions conferred on them by section 394.

(2) The matters referred to in subsection (1)(a) include, in particular, methods of teaching, the choice of materials and the provision of training for teachers.

(3) The representative groups on the council required by section 390(4), other than the group consisting of persons appointed to represent the authority, may at any time require a review of any agreed syllabus for the time being adopted by the authority.

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

(5) Paragraph 3 of Schedule 31 has effect to require the authority, on receiving written notification of any such requirement, to cause a conference constituted in accordance with that Schedule to be convened for the purpose of reconsidering any agreed syllabus to which the requirement relates.

(6) The council shall in each year publish a report as to the exercise of their functions and any action taken by representative groups on the council under subsection (3) during the last preceding year.

(7) The council's report shall in particular—

(a) specify any matters in respect of which the council have given advice to the authority,

(b) broadly describe the nature of the advice given, and

(c) where any such matter was not referred to the council by the authority, give the council's reasons for offering advice on that matter.

(8) The council shall send to the head teacher of any grant-maintained school to which section 379 applies and which is in the area of the authority a copy of advice which they give to the authority upon matters connected with religious worship.

(9) The council shall send a copy of advice which they give to the authority on the religious education to be given in accordance with an agreed syllabus to the head teacher of any grant-maintained school which is in the area of the authority and which—

(a) is required, by virtue of section 379 or 381, to provide religious education in accordance with an agreed syllabus, or

(b) was a controlled school immediately before it became grant-maintained.

(10) The council shall send a copy of each report published by them under subsection (6)—

(a) in the case of a council for an area in England, to the School Curriculum and Assessment Authority, and

(b) in the case of a council for an area in Wales, to the Curriculum and Assessment Authority for Wales.

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392 Advisory councils: supplementary provisions.

(1) In this section "the council" means the standing advisory council on religious education constituted by a local education authority under section 390.

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

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

(4) A member of the council required by section 390(2)(b) may at any time be removed from membership by the governing body or (as the case may be) by the governing bodies of the grant-maintained school or schools concerned.

(5) A person co-opted as a member of the council shall hold office on such terms as may be determined by the members co-opting him.

(6) A member of the council may at any time resign his office.

(7) Subject to section 390(7), the council and, in relation to any question falling to be decided by members of the council of any particular category, the members of that category, may regulate their own proceedings.

(8) The validity of proceedings of the council or of the members of the council of any particular category shall not be affected—
   (a) by a vacancy in the office of any member of the council required by section 390(2), or
   (b) on the ground that a member of the council appointed to represent any religion, denomination or associations does not at the time of the proceedings represent the religion, denomination or associations in question.

393 Duty to constitute new standing advisory council.

(1) This section has effect in respect of the area of a local education authority if an order under section 27(1)(b) (allocation to funding authority of responsibility for providing school places) applies to the area.

(2) Within six months of the date of the first such order the local education authority shall constitute a new standing advisory council on religious education under section 390.

(3) For the purposes of the constitution required by subsection (2) (and of any subsequent constitution)—
   (a) section 390 shall have effect as if—
      (i) subsection (2)(b) were omitted, and
      (ii) subsection (4) required the appointment of a representative group, in addition to those listed in paragraphs (a) to (d) of that subsection, comprising persons representing relevant grant-maintained schools, and
   (b) section 391 shall have effect as if, in subsection (3), for "the group consisting of persons appointed to represent the authority" there were substituted "the

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groups consisting of persons appointed to represent the authority or relevant grant-maintained schools".

(4) For this purpose "relevant grant-maintained schools" means the grant-maintained schools within the area of the local education authority in relation to which section 379 or 380 applies.

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

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

Determinations by standing advisory councils

394 Determination of cases in which requirement for Christian collective worship is not to apply.

(1) The council constituted by a local education authority under section 390 shall, on an application made by the head teacher of—
   (a) any county school maintained by the authority, or
   (b) any grant-maintained school which is in the authority's area and in relation to which section 379 applies,

   consider whether it is appropriate for the requirement imposed by section 386(2) to apply in the case of the school or in the case of any class or description of pupils at the school.

(2) In determining whether it is appropriate for that requirement to apply as mentioned in subsection (1), the council shall have regard to any circumstances relating to the family backgrounds of the pupils at the school, or of the pupils of the particular class or description in question, which are relevant for determining the character of the collective worship appropriate in their case.

(3) The council shall give the head teacher written notification of their decision on the application.

(4) Where the council determine that it is not appropriate for the requirement to apply as mentioned in subsection (1), the determination shall take effect for the purposes of section 387 on such date as may be specified in the notification of the council's decision under subsection (3).

(5) Before making an application under subsection (1), the head teacher of a school shall consult the governing body.

(6) On being consulted by the head teacher, the governing body may if they think fit take such steps as they consider appropriate for consulting all persons appearing to them to be parents of registered pupils at the school.

Status: *Point in time view as at 01/11/1996.*
Changes to legislation: *Education Act 1996, Chapter III is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(7) An application under subsection (1) shall be made in such manner and form as the council may require.

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

395 Review of determinations under section 394.

(1) Any determination by a council under section 394 by virtue of which the requirement imposed by section 386(2) does not for the time being apply in the case of a school or a class or description of pupils at a school shall be reviewed by the council—
   (a) at any time on an application made by the head teacher, and
   (b) in any event not later than the end of the period of five years beginning with the date on which the determination first took effect or (where it has since been reviewed under this section) with the effective date of the decision on the last review.

(2) On any review under subsection (1)(b) the council shall give the head teacher an opportunity of making representations as to the determination under review.

(3) On a review under this section, the council may—
   (a) confirm the determination, with or without variation, or
   (b) revoke it (without prejudice to any further determination under section 394).

(4) The council shall give the head teacher written notification of their decision, specifying the effective date of that decision for the purposes of subsection (1)(b).

(5) Any determination which is required to be reviewed under subsection (1)(b) shall cease to have effect, if not confirmed on such a review, at the end of the period there mentioned.

(6) The head teacher of a school shall consult the governing body before making an application under subsection (1)(a) or any representations under subsection (2).

(7) On being consulted by the head teacher, the governing body may if they think fit take such steps as they consider appropriate for consulting all persons appearing to them to be parents of registered pupils at the school.

(8) An application under subsection (1)(a) shall be made in such manner and form as the council may require.

396 Power of Secretary of State to direct advisory council to revoke determination or discharge duty.

(1) Where the Secretary of State is satisfied, either on complaint by any person or otherwise, that any standing advisory council on religious education constituted by a local education authority under section 390—
   (a) have acted, or are proposing to act, unreasonably in determining for the purposes of section 394 or 395 whether it is appropriate for the requirement imposed by section 386(2) to apply in the case of any school or any class or description of pupils at a school, or
   (b) have failed to discharge any duty imposed under section 394 or 395,

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

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

Access to meetings and documents

397 Religious education: access to meetings and documents.

(1) This section applies to—
- (a) any conference convened under any of paragraphs 1 to 3 of Schedule 31, and
- (b) any standing advisory council on religious education constituted under section 390.

(2) Regulations may make provision—
- (a) for meetings of conferences or councils to be, subject to prescribed exceptions, open to members of the public,
- (b) requiring conferences or councils to give notice, in such manner as may be prescribed, of the time and place of such meetings, and
- (c) requiring conferences or councils, at such time or times as may be prescribed—
  - (i) to make available for inspection, or
  - (ii) to provide on payment of such fee as they think fit (not exceeding the cost of supply),

  copies of the agendas and reports for such meetings to members of the public.

(3) Regulations made under subsection (2) may apply to—
- (a) committees appointed by local education authorities under paragraph 4 of Schedule 31,
- (b) sub-committees appointed by conferences under that Schedule, and
- (c) representative groups on councils appointed under section 390(4),

as they apply to conferences and councils.

Miscellaneous

398 No requirement of attendance at Sunday school etc.

It shall not be required, as a condition of—
- (a) a pupil attending a maintained school, or
- (b) a person attending such a school to receive further education or teacher training,

that he must attend or abstain from attending a Sunday school or a place of religious worship.

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399 Determination of question whether religious education in accordance with trust deed.

Where any trust deed relating to a voluntary or grant-maintained school makes provision whereby a bishop or any other ecclesiastical or denominational authority has power to decide whether the religious education given in the school which purports to be in accordance with the provisions of the trust deed does or does not accord with those provisions, that question shall be determined in accordance with the provisions of the trust deed.

Status:
Point in time view as at 01/11/1996.

Changes to legislation:
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