



Education Act 1996

1996 CHAPTER 56

PART V

THE CURRICULUM

CHAPTER III

RELIGIOUS EDUCATION AND WORSHIP

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

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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—
 - (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).

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- (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.
- (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.

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- (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—
- (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).

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- (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—
 - (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.

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- (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).