
Changes to legislation: There are currently no known outstanding effects for the Curriculum and Assessment (Wales) Act 2021, Paragraph 26. (See end of Document for details)

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

Education Act 1996 (c. 56)

- 26 (1) Schedule 31 (agreed syllabuses of religious education) is amended as follows.
- (2) In the heading of the Schedule, after “Religious Education” insert “ and Religion, Values and Ethics ”.
- (3) Before the heading of paragraph 1 insert—

“Duty to convene conference to prepare first syllabus of Religion, Values and Ethics: Wales

- A1 A local authority in Wales must convene a conference for the purpose of preparing the first syllabus of Religion, Values and Ethics to be adopted by the local authority under section 375A.”

- (4) In paragraph 4, in sub-paragraph (2)—
- (a) in paragraph (a), before “a committee” insert “ in the case of an area in England, ”;
- (b) after paragraph (a) insert—
- “(aa) in the case of an area in Wales, a committee of persons representing—
- (i) Christian denominations and other religions and denominations of such religions, and
- (ii) non-religious philosophical convictions;”.
- (5) In paragraph 4, in sub-paragraph (4), after “appointed” insert “ by a local authority in England ”.
- (6) In paragraph 4, after sub-paragraph (4) insert—
- “(5) A local authority in Wales, in appointing persons to a representative group under sub-paragraph (2)(aa), must take all reasonable steps to secure the outcome referred to in sub-paragraph (6).
- (6) The outcome is that the number of members appointed to the committee to represent a religion, denomination or non-religious philosophical conviction shall, so far as consistent with the efficient discharge of the committee's functions, reflect broadly the proportionate strength of that religion, denomination or non-religious philosophical conviction in the area.
- (7) In this paragraph, “non-religious philosophical conviction” has the same meaning as in section 375A(3).”
- (7) In paragraph 7—
- (a) in sub-paragraph (1), after each reference to “denomination” insert “ , philosophical conviction ”;
- (b) in sub-paragraph (2), after “denomination” insert “ , philosophical conviction ”.

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(8) In paragraph 8, in paragraph (b), after “denomination” insert “ , philosophical conviction ”.

(9) After paragraph 9 insert—

“Adoption of first syllabus of Religion, Values and Ethics: Wales

9A (1) This paragraph applies where a local authority in Wales convene a conference for the purpose of preparing the first syllabus of Religion, Values and Ethics to be adopted by the authority under section 375A.

(2) If—

- (a) the conference unanimously recommend a syllabus for adoption by the authority under section 375A, and
- (b) it appears to the authority that the recommended syllabus meets the condition in sub-paragraph (3),

the authority may give effect to the recommendation by adopting the syllabus.

(3) The condition is that the syllabus—

- (a) reflects the fact that the religious traditions in Wales are mainly Christian, while taking account of the teaching and practices of the other principal religions represented in Wales, and
- (b) also reflects the fact that a range of non-religious philosophical convictions (within the meaning of section 375A(3)) are held in Wales.

(4) If—

- (a) the authority report to the Welsh Ministers that the conference are unable unanimously to recommend a syllabus for adoption under section 375A,
- (b) the authority report to the Welsh Ministers that the condition in sub-paragraph (3) prevents them from giving effect to the unanimous recommendation of the conference, or
- (c) it appears to the Welsh Ministers that the authority have failed to exercise their power under sub-paragraph (2) to give effect to the unanimous recommendation of the conference,

the Welsh Ministers must proceed in accordance with paragraph 12.”

(10) In paragraph 10—

- (a) in sub-paragraph (1) for “This paragraph applies where a local authority” substitute “ Sub-paragraph (2) applies where a local authority in England ”;
- (b) after sub-paragraph (2) insert—

“(2A) Sub-paragraphs (2B) and (2C) apply where a local authority in Wales cause a conference to be convened for the purpose of reconsidering any agreed syllabus under paragraph 2 or 3.

(2B) If—

- (a) the conference—
 - (i) unanimously recommend that the existing syllabus should continue to be the agreed syllabus, or

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- (ii) unanimously recommend a new syllabus to be adopted in substitution for the existing syllabus, and
 - (b) it appears to the authority that the condition in sub-paragraph (2C) has been met in relation to the syllabus, the authority may give effect to the recommendation.
- (2C) The condition in this sub-paragraph is met in relation to a syllabus if the syllabus—
 - (a) reflects the fact that the religious traditions in Wales are in the main Christian while taking account of the teaching and practices of the other principal religions represented in Wales, and
 - (b) also reflects the fact that a range of non-religious philosophical convictions (within the meaning of section 375A(3)) are held in Wales.
- (2D) Sub-paragraph (3) applies in relation to local authorities in England and local authorities in Wales.”;
- (c) in sub-paragraph (3), in paragraph (a), after “Secretary of State” insert “ (in the case of an authority in England) or to the Welsh Ministers (in the case of an authority in Wales) ”;
- (d) in sub-paragraph (3), in paragraph (b), after “(2)(b)” insert “ or, as the case may be, (2B)(b), ”;
- (e) in sub-paragraph (3), in paragraph (c)—
 - (i) after “Secretary of State” insert “ or, as the case may be, the Welsh Ministers, ”;
 - (ii) after “sub-paragraph (2)” insert “ or, as the case may be, sub-paragraph (2B) ”;
 - (iii) in the words after paragraph (c), after “Secretary of State” insert “ or, as the case may be, the Welsh Ministers, ”.
- (11) In paragraph 12, after sub-paragraph (1) insert—

“(1A) Where required by paragraph 9A or 10 to proceed in accordance with this paragraph, the Welsh Ministers shall appoint a body of persons appearing to the Welsh Ministers to possess relevant experience to prepare a syllabus of Religion, Values and Ethics.”
- (12) In paragraph 13—
 - (a) in sub-paragraph (1), in paragraph (b), after “religious education” insert “ or, as the case may be, a syllabus of Religion, Values and Ethics ”;
 - (b) in sub-paragraph (1), in paragraph (c), for “to the Secretary of State” substitute “—
 - (i) in the case of a body appointed by the Secretary of State, to the Secretary of State;
 - (ii) in the case of a body appointed by the Welsh Ministers, to the Welsh Ministers”.
- (13) In paragraph 14—
 - (a) the existing provision becomes sub-paragraph (1);
 - (b) in that sub-paragraph, for “the appointed body” substitute “a body appointed under paragraph 12 by the Secretary of State ”;

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(c) after that sub-paragraph insert—

“(2) The syllabus prepared by a body appointed by the Welsh Ministers under paragraph 12 shall be deemed to be the syllabus adopted by the authority under section 375A—

- (a) as from such date as the Welsh Ministers may direct, and
- (b) until a new syllabus is adopted by that authority under that section.”

(14) After paragraph 14 insert—

“Guidance

14A(1) In exercising functions under this Schedule, each of the persons specified in sub-paragraph (2) must have regard to any guidance given by the Welsh Ministers.

(2) The persons are—

- (a) a local authority in Wales;
- (b) a conference convened by a local authority in Wales under this Schedule;
- (c) a body of persons appointed by the Welsh Ministers under paragraph 12.”

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