

Levels of Provision of Religious Education in schools where different legal requirements apply.

Introduction: The legal basis of RE in the curriculum of maintained schools

Every maintained school in England must provide a basic curriculum (RE, sex education and the National Curriculum). This includes provision for RE for all registered pupils at the school (including those in the sixth form), except for those withdrawn by their parents (or withdrawing themselves if they are aged 18 or over) in accordance with Schedule 19 to the School Standards and Framework Act 1998. The key document in determining the teaching of RE is the locally agreed syllabus within the LA concerned. Schools designated as having a religious character are free to make their own decisions in preparing their syllabuses¹. LAs must, however, ensure that the agreed syllabus for their area is consistent with Section 375(3) of the Education Act 1996, which requires the syllabus to reflect that the religious traditions of Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in Great Britain. Schools are not obliged to provide RE to pupils who are under compulsory school age (section 80(2)(a) of the Education Act 2002), although there are many instances of good practice where RE is taught to these pupils. Separate legislative provision on RE is made for maintained special schools. Regulations covering maintained special schools require them to ensure that, as far as practicable, a pupil receives RE.²

Legal requirements in different types of school

In all maintained schools RE must be taught according to either the locally agreed syllabus or in accordance with the school's designated religion or religious denomination, or in certain cases the trust deed relating to the school.

Community, foundation and voluntary-aided or voluntary-controlled schools without a religious character

RE must be taught according to the locally agreed syllabus adopted by the LA by which the school is maintained.³

Foundation and voluntary-controlled schools with a religious character

RE provision in foundation and voluntary-controlled schools with a religious character is to be provided in accordance with the locally agreed syllabus. However, where the parent of any pupil at the school requests that RE is provided in accordance with provisions of the trust deed relating to the school (or, where there is no provision in the trust deed, in accordance with the religion or denomination mentioned in the order designating the school as having a religious character), then the governors must make arrangements for securing that RE is provided to the pupil in accordance with the relevant religion for up to two periods a week unless they are satisfied that there are special circumstances which would make it unreasonable to do so.⁴

Voluntary-aided schools with a religious character

RE is to be determined by the governors and in accordance with the provisions of the trust deed relating to the school or, where there is no provision in the trust deed, with the religion or denomination mentioned in the order designating the school as having a religious character. However, where parents prefer their children to receive RE in accordance with the locally agreed syllabus, and they cannot reasonably or

¹ C of E schools generally follow their locally agreed syllabus, which is why the SIAMS inspections do not inspect RE specifically (Core Q 3) although do look at it in Core Q 1 - the impact of RE on the Christian distinctiveness of the school and SMSC.

² Religious Education in English Schools: Non-statutory guidance 2010, page 10

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/190260/DCSF-00114-2010.pdf

³ Section 375, Education Act 1996

⁴ Schedule 19(3), School Standards and Framework Act 1998

conveniently send their children to a school where the syllabus is in use, then the governing body must make arrangements for RE to be provided to the children within the school in accordance with the locally agreed syllabus unless they are satisfied that there are special circumstances which would make it unreasonable to do so. If the LA is satisfied that the governing body is unwilling to make such arrangements, the LA must make them instead.⁵

Academies

Academies are all-ability, state-funded schools managed by independent sponsors, established under Section 482 of the Education Act 1996. Some academies have a religious character. All academies are required, through their funding agreements, to teach RE.

The Funding Agreement for an Academy **without a religious designation** states that it must arrange for RE to be given to all pupils in accordance with the requirements for agreed syllabuses that are set out in section 375(3) of the Education Act 1996 and paragraph '(5) of Schedule 19 to the School Standards and Framework Act 1998. This means a syllabus that reflects 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. It also means that an Academy without a religious designation must not provide an RE syllabus to pupils by means of any catechism or formulary which is distinctive of any particular religious denomination. This gives an Academy without a religious designation the freedom to design its own RE syllabus (within those constraints) and not be bound by the specific locally agreed syllabus that maintained schools are required to follow. However, Academies are free to follow the locally agreed syllabus if they choose or they can choose another from a different Local Authority area.

Foundation or voluntary controlled schools **with a religious designation** that convert to Academies must arrange for RE in accordance with the requirements for agreed syllabuses (in the main Christian whilst taking account of the other principal religions etc as set out above) unless any parents request that their children receive RE in accordance with the tenets of the school's faith. If any parents do request this, the Academy must make arrangements for those children to receive such RE unless, because of special circumstances, it would be unreasonable to do so. The Funding Agreement sets this out (by applying the relevant provisions of the Education Act 1996 and the School Standards and Framework Act 1998). In practice, these Academies generally choose to follow the locally agreed syllabus.⁶

Research Methodology

The source of the data was the school workforce data collected from schools by the Department for Education. This specific data set was obtained following discussions with the DfE and a Freedom of Information Request on 4th February 2017 by the National Association of Teachers of RE as follows:

For each school that admits secondary aged pupils in England, for each of the five years 2010-2015 and for each year group:

- *the number of hours of RE taught (including those where the information provided would be 'no response' or the response is zero)*
- *the number of hours taught to the year group*
- *the percentage of the hours taught that is RE focussed*

The School Workforce Census collects curriculum information from a large sample of secondary schools. Curriculum information is requested from all secondary, middle deemed secondary and all-through schools, including relevant academy schools, with the timetabling software that interfaces with their Management Information System. The information collected relates to teaching for a selected week in autumn each year.

⁵ Schedule 19(2), School Standards and Framework Act 1998

⁶ RE and Collective Worship in Academies and Free Schools -Department for Education FAQs

In 2015, 2,909 secondary schools provided curriculum information. However, not all schools provided complete curriculum information.

The data has been sorted into different groups according to the statutory requirements for RE to assess whether or not these regulations might have any impact on the level of provision for RE.

Group 1 – Agreed Syllabus: Schools where a local Agreed Syllabus applies. Includes:

- Community Schools
- Foundation Schools
- Voluntary Aided Schools without a religious character
- Voluntary Controlled Schools

Group 2 – Religious Character: Schools including Academies where a Diocesan or ‘faith-based’ syllabus applies. Includes:

- Sponsor-Led Academies with a religious character
- Voluntary Aided Schools with a religious character
- Church of England, Roman Catholic and other faith-based Academies -sponsored and not sponsored

Group 3 – Academies: Academies without a religious character where the funding agreement states the requirement for the provision for RE

Results of our analysis of the school workforce survey

Provision for RE in different types of schools

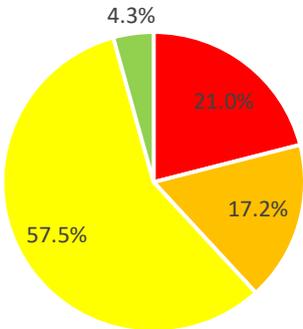
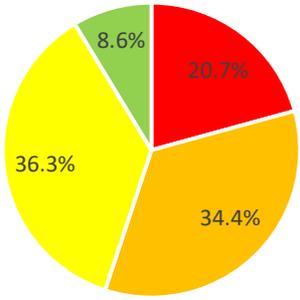
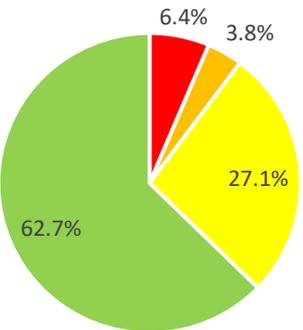
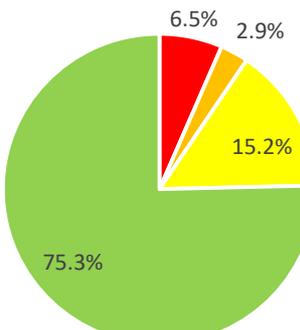
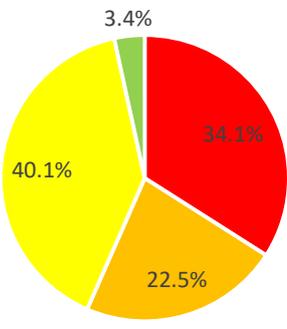
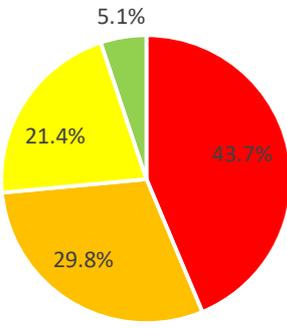
Since the Dearing Report; The National Curriculum and its Assessment (1994), recommended that schools devote at least 5% of curriculum time to Religious Education (just one hour per week on average), most Agreed Syllabuses have either assumed or stipulated that this would be the time required to meet the outcomes. There were good reasons for this recommendation in 1994 which is just as relevant in 2017 if not more so. The equivalent of an hour per week is not unreasonable given the legal expectation set out in 375 (3) of the Education Act 1996 that by the end of their school careers, all pupils in state funded schools will have followed a continuous programme of learning that encompasses not only Christianity but ‘teaching and practices of the other principal religions represented in Great Britain’. It is often forgotten that although academies and free schools have a choice over whether or not to follow a local agreed syllabus, this requirement is included in their Funding Agreements with the Department for Education and so is contractually binding on them also.

The development of the GCSE short course reinforced the expectation that 5% of time will be provided for RE by building an accredited course that required 60-70 guided learning hours -i.e. around an hour per week over two years.

What proportion of a school’s teaching hours are dedicated to RE?

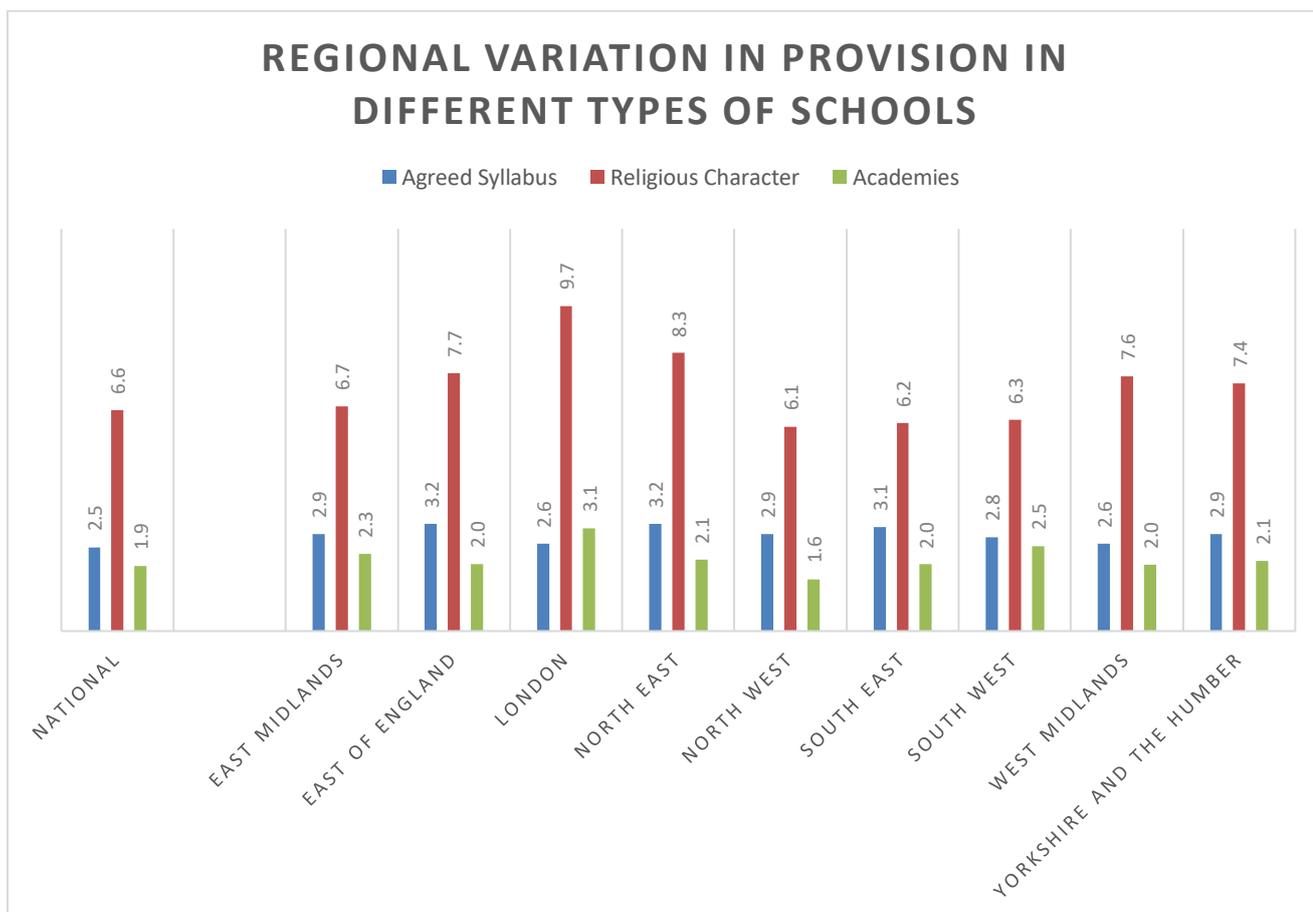
Whereas around 28% of all state funded schools (787 of the 2793 that provided relevant information in 2015) report that they are making no provision for RE in year 11 even though it is a requirement for all to do so, that figure varies significantly depending on the type of school and has increased by 12% since 2011.

- At Key Stage 3 (pupils aged 11-13 years), 34% all **Academies** report that they offer no timetable time for RE at all. That figure increases to almost 44% at Key Stage 4 (pupils aged 14-16 years).
- This means that pupils attending **Academies** without a religious character are half as likely to receive RE lessons as their peers in Local Authority maintained schools where the law states that a local determined Agreed Syllabus must be followed.
- However, even given the apparent protection of the law, in around one in five local authority maintained schools where the Agreed Syllabus applies, there is no timetable time for RE in Key Stage 3. In a similar proportion of these schools, there is no timetable time for RE in Key Stage 4.
- **Schools with a religious character** are far more likely to be making provision at or above the 5% level assumed by the writers of most Agreed Syllabuses. Around 6% of these schools report making no timetable provision and it is likely that the majority of these do not report timetable time for Religious Education because they give the subject a title specific to the type of school.
- In addition to the schools reporting no timetable time for RE, many are falling short of the 5% assumed by the writers of most Agreed Syllabuses would be required to meet the outcomes. Again, this figure varies by type of school as follows:
 - At Key Stage 3 (pupils aged 11-13) the 5% standard is met or exceeded in:
 - 61.8% of Agreed Syllabus schools
 - 89.8% of schools with a Religious Character
 - 43.5% of Academies
 - At Key Stage 4: (pupils aged 14-16) the 5% standard is met or exceeded in:
 - 44.9% of Agreed Syllabus schools
 - 90.5% of schools with a Religious Character
 - 26.5% of Academies

Percentage of curriculum time spent on RE in KS3	Percentage of curriculum time spent on RE in KS4
<p>Schools where an Agreed Syllabus applies</p>  <p>■ No RE at all ■ Between 0% and 3% ■ Between 3% and 6% ■ More than 6%</p>	<p>Schools where an Agreed Syllabus applies</p>  <p>■ No RE at all ■ Between 0% and 3% ■ Between 3% and 6% ■ More than 6%</p>
<p>Schools with a Religious Character</p>  <p>■ No RE at all ■ Between 0% and 3% ■ Between 3% and 6% ■ More than 6%</p>	<p>Schools with a Religious Character</p>  <p>■ No RE at all ■ Between 0% and 3% ■ Between 3% and 6% ■ More than 6%</p>
<p>Academies</p>  <p>■ No RE at all ■ Between 0% and 3% ■ Between 3% and 6% ■ More than 6%</p>	<p>Academies</p>  <p>■ No RE at all ■ Between 0% and 3% ■ Between 3% and 6% ■ More than 6%</p>

Provision for RE in different regions of England

The following two tables provide an analysis of the variation between regions in the level of provision in different types of school. This data **includes** those schools reporting zero hours for RE.



The following table shows the regional variation in those schools reporting zero hours of RE to pupils in different school years.

0 hours of RE	Year 7	Year 8	Year 9	Year 10	Year 11	Average
National	27.4%	24.5%	23.3%	25.7%	28.2%	25.8%
East Midlands	23.9%	19.3%	17.8%	17.8%	20.6%	19.9%
East of England	33.7%	27.8%	27.8%	24.7%	29.0%	28.6%
London	30.4%	25.3%	20.9%	23.6%	24.7%	25.0%
North East	23.1%	21.4%	20.2%	23.1%	27.2%	23.0%
North West	25.5%	23.9%	20.6%	23.5%	25.5%	23.8%
South East	20.4%	18.3%	17.8%	20.4%	20.9%	19.5%
South West	27.9%	25.7%	25.1%	29.2%	33.6%	28.3%
West Midlands	19.8%	19.8%	17.6%	24.4%	22.1%	20.8%
Yorkshire and the Humber	30.5%	29.1%	23.8%	31.8%	30.5%	29.1%

What should be done?

The Department for Education should:

- hold schools to account for the level of provision and standards of teaching of RE;
- encourage ministers to speak about the importance of RE in the curriculum and about its impact on wider educational outcomes, including on society at large;

- issue a clear public statement that it is not acceptable in any circumstances for a school to be failing to provide RE at any Key Stage as part of its broad and balanced curriculum;
- publish data about RE provision routinely in an accessible format (without the need to issue Freedom of Information requests) to allow local Standing Advisory Councils for RE (SACREs) and other bodies to more easily fulfil their duty to monitor provision for RE in their local area. This data should include school workforce data and GCSE entries;
- clarify and strengthen the mechanisms by which complaints can be made about schools failing to provide pupils with their entitlement to high quality RE.

School leaders including Headteachers and Governors should:

- review the specific requirements for RE provision and ensure that they can demonstrate that each pupil on the school roll is receiving their entitlement to RE in each school year;
- review the specific content requirements (in particular where they include being taught an accredited course at Key Stage 4 if that is what is required in the syllabus);
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Ofsted should:

- ensure that the level of provision for RE is monitored during routine inspections with an expectation that the curriculum cannot be considered 'broad and balanced' unless RE is provided;
- review the training of inspectors so that they are aware of specific requirements for RE in each school that is inspected and can differentiate between strong and weak provision;
- carry out an investigation into the impact of different levels and quality of RE provision on wider pupil outcomes.

Parents/Carers should:

- request information about the programme of RE taught at their child's school (this should be published on the school website). If RE is not mentioned, or if the practice does not seem to match the published plan, ask questions or complain if necessary.