

Parental right of withdrawal from Collective Worship and/or Religious Education

*Within this document, any italicised text indicates a direct quotation from the relevant government guidance on the law relating to collective worship and to religious education. In the case of collective worship, this is **Circular 1/94: Religious Education and Collective Worship**; and in the case of religious education it is **Religious Education in English schools: Non-statutory guidance 2010**.*



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HALTON SACRE
Withdrawal feedback

1. Collective Worship

Parents have been able to withdraw their children from collective worship since the 1944 Education Act and no recent legislation has affected this right. It is most recently confirmed in Section 71 of the School Standards and Framework Act 1998. The government guidance document which remains current in the case of collective worship is **Circular 1/94: Religious Education and Collective Worship**.

The law states that in all maintained schools, including academies and free schools, there must be a daily act of worship for all pupils, other than those in a nursery class or a nursery school. This can take place at any time during the school day and in any groupings. In schools without a religious character, this should be of a 'broadly Christian character'. In schools with a religious character (VA, VC and Foundation schools with a religious character) this may be in line with their religious designation. Academies and free schools must provide collective worship in line with their funding agreements.

On occasions, the parent (or the student themselves if over 18) may make a request for their child to be withdrawn from collective worship.

The right of withdrawal from collective worship would normally be exercised through the physical withdrawal of the pupil from the place where the act of worship is taking place. Indeed the school could insist that this is the way the right is to be implemented. If, however, both the parent and the school agree that the pupil should be allowed to remain physically present during the collective worship but not take part in it, nothing in the law prevents this.

Experience suggests that, to avoid misunderstanding, a head teacher will find it helpful to establish with any parent wanting to exercise the right of withdrawal:

- the elements of worship in which the parent would object to the child taking part;
- the practical implications of withdrawal; and
- whether the parent will require any advanced notice of such worship, and, if so, how much.

Where parents have withdrawn their children from collective worship and request religious worship according to a particular faith or denomination, the governors and head teacher will seek to respond positively to such requests providing:

- such arrangements can be made at no additional cost to the school; and
- that the alternative provision would be consistent with the overall purposes of the school curriculum as set out in Section 1 of the 1988 Education Act. (Circular 1/94)

Note that if the parent asks that a pupil should be wholly or partly excused from attending any religious worship at the school, then the school must comply.

This means that a parent may, for example, request their child does not take part in a carol service when otherwise the child takes part in daily collective worship.

2. Religious Education

Parents have been able to withdraw their children from religious education since the 1944 Education Act and no recent legislation has affected this right. It is most recently confirmed in Schedule 19 of the School Standards and Framework Act 1998. The current government guidance on Religious Education is relatively recent: **Religious Education in English schools: Non-statutory guidance 2010**. This states: *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).*

Academies and free schools are bound by their funding agreements which generally include clauses which reflect the statutory provisions relating to religious education and collective worship. 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. 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

In LA Community schools and Voluntary Controlled (VC) schools, Religious Education must be provided in accordance with the Local Agreed Syllabus provided by the SACRE (Standing Advisory Council for Religious Education) of the local authority in which the school is situated. In academies which were formerly VC schools, this is normally also the case. *However, where the parent of any pupil at the school requests that RE is provided in accordance with the Trust Deed or religious designation of the school, the school should comply with the request.*

In Voluntary Aided (VA) schools (and academies which were formerly VA) the decision on the content of Religious Education rests with the Governing Body, and should be in line with the Trust Deeds of the school. Normally, the governors agree to adopt the Diocesan Syllabus where one exists.

However, the right of withdrawal does not extend to other areas of the curriculum when, as may happen on occasion, spontaneous questions on religious matters are raised by pupils or there are issues related to religion that arise in other subjects such as history or citizenship (Non-statutory Guidance 2010). E.g. Where Christmas or another Christian festival is a theme for work produced by children in other subjects. The guidance makes clear that no parent has a right to withdraw their child from such activities. Any parent considering withdrawal must contact the head teacher to discuss any concerns or anxieties about the policy, provision and practice of religious education at the school.

Managing the right of withdrawal

The school will ensure that parents who want to withdraw their children from RE are aware of the RE syllabus being taught in the school and that it is relevant to all pupils and respects their own personal beliefs. The school may also wish to review such a request each year, in discussion with the parents.

The use of the right to withdraw should be at the instigation of parents (or pupils themselves if they are aged 18 or over), and it should be made clear whether it is from the whole of the subject or specific parts of it. No reasons need be given.

This guidance allows a parent to withdraw their child from a specific activity, such as a visit to a place of worship, and not to withdraw the child from the remainder of their RE.

Parents have the right to choose whether or not to withdraw their child from RE without influence from the school, although a school should ensure that parents or carers are informed of this right and are aware of the educational objectives and content of the RE syllabus. In this way, parents can make an informed decision.

It is our strong advice that the school leadership engage with **every** family, in the case of a request for withdrawal, to explain how the child's education and experience will suffer as a result, and to aim to avoid any withdrawal. However, the law makes clear;

Where parents have requested that their child is withdrawn, their right must be respected, and where RE is integrated in the curriculum, the school will need to discuss the arrangements with the parents or carers to explore how the child's withdrawal can be best accommodated.

If pupils are withdrawn from RE, schools have a duty to supervise them, though not to provide additional teaching or to incur extra cost. Pupils will usually remain on school premises.

Where a pupil has been withdrawn, the law provides for alternative arrangements to be made for RE of the kind the parent wants the pupil to receive. This RE could be provided at the school in question, or the pupil could be sent to another school where suitable RE is provided if this is reasonably convenient.

A pupil withdrawn from RE must therefore be studying alternative RE agreed with the parents. No other subject can be studied during the time the pupil has been withdrawn.

If neither approach is practicable, outside arrangements can be made to provide the pupil with the kind of RE that the parent wants, and the pupil may be withdrawn from school for a reasonable period of time to allow them to attend this external RE.

Outside arrangements for RE are allowed as long as the LA is satisfied that any interference with the pupil's attendance at school resulting from the withdrawal will affect only the start or end of a school session. (Non-statutory Guidance 2010)

If the school is a secondary school and parents have withdrawn a pupil from RE provided at the school and asked for alternative RE to be provided in accordance with the tenets of a particular religion or denomination, then the LA must either:

- Provide facilities for the alternative RE to be given at the school unless there are special circumstances which would make it unreasonable to do so, or*
- Agree to outside arrangements to be made as long as no financial burden falls on the LA or school as a result of these arrangements*

Timeline for considering a request to withdraw

The following is offered as a possible pathway or sequence of events/questions which may help to guide a school through the process of considering a request to withdraw from RE. It is suggested that this sequence of events is shared with teachers and governors before any such requests are received by the school.

Preparation

- Has the school ensured that RE is of educational value to all pupils, whatever their belief background, thereby reducing the likelihood of parental requests to withdraw?
- Has the school ensured that the nature, objectives and content of the RE syllabus have been shared with parents?
- Have parents been notified about plans for RE as part of the curriculum for the coming session for their child's class?
- Does the school currently have a procedure in place for parents who want to withdraw children from RE, and is this procedure understood by teachers and governors?
- What practical implications would arise from a request by parents to withdraw a child from RE and how might they be addressed?
- Does the organisation of the RE curriculum allow parents to exercise the right of withdrawal?
- Are all teachers aware of their own right not to have to teach RE?

Process

- Meeting with parents
- Presentation of legal educational requirements and/or school's RE framework
- Explore why parents want to withdraw
 - Fear of being pressurised to adapt/change religion
 - Fear of being unduly forced to practice or take part in worship
 - Ignorance about the need to understand a different faith/religion
- Collective worship options
 - Child can sit out (library or LRC)
 - Parents provide supervision
 - Parents agree alternative study
 - Children attend the worship but do not need to participate in singing/prayers
 - Identify which assemblies have faith-component and which do not
- RE lesson options
 - Is the problem with theory or practical sessions (do parents object to visits)?
 - Parents provide alternative education
 - Agreement on what can be included or not included

Other issues

From time to time issues may arise which are outside the scope of the parental right of withdrawal from RE and collective worship. These include, for example, certain aspects of requirements under the Equality Act 2010 not to discriminate because of race, religion or belief. Where an issue arises from, for example, a uniform policy that requires pupils to dress (or not to dress) in a way that conflicts with a genuine requirement of their religion or belief, schools are advised, if necessary and appropriate, to explore with the parents of the pupils involved the nature of their concerns. The school could then consider the possible scope for flexibility in the application of the policy, seeking guidance as necessary from the SACRE.

It may also be that in the course of discussions around a parents desire to withdraw their child(ren) from RE and/or Collective Worship that a school has cause to consider that the child(ren) may be at risk of radicalisation. School procedures relating to safeguarding, prevent and Channel should be followed in that case.

Notification

In order for the SACRE to monitor the number of pupils who are withdrawn from RE and/or collective worship we would ask that each school notifies the SACRE when a pupil is withdrawn. It has been suggested that it is good practice to ask parents to re-assert their wish to withdraw their child(ren) at the start of each academic year.