

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includes provision for RE for all registered pupils at the school (including those in the sixth form), except for those withdrawn by their parents (or withdrawing themselves if they are aged 18 or over) in accordance with Schedule 19 to the School Standards and Framework Act 1998.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

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

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

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 9th November 2017 by the National Association of Teachers of RE as follows:

For each school that admits secondary aged pupils in England, 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.

In 2016, 2,870 secondary schools provided curriculum information. In 2015, that figure was 2,909. However, not all schools provided complete curriculum information in either year.

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 2018 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?

The percentage of schools reporting that they are making **no provision** for RE in year 11 has increased from 28% in 2015 to 33.4% in 2016 even though it is a legal requirement for all to do so. That figure has increased by a staggering 34% since 2011. At key stage 3, 23.1% report offering no hours of RE teaching in 2016. This represents a decrease from the proportion reported in 2015 of 25.1%

Whilst the number of schools reporting no provision for RE at Key Stage 3 is a disappointing 23%, this is a slight improvement from 2015 when that figure was 28% of all state funded schools.

As figure 1 below shows, there is considerable difference in levels of provision in different types of school, especially at Key Stage 4. At Key Stage 3 (pupils aged 11-13 years), almost 30% of **Academies** report that they offer no timetable time for RE at all. That figure increases to almost 42% of **Academies** at Key Stage 4 (pupils aged 14-16 years).

What does it mean to ‘make provision for RE’?

It is disappointing that the DfE and its ministers have not acted to address the obvious decline of RE since 2010. When questioned about NATRE’s report on the school workforce data, ministers have repeated one headteacher’s claim that when one in four schools fail to report any hours for RE in this data, this is because they must be teaching RE through another subject. This statement appears to contradict the government’s stated aim that students need a knowledge-rich rigorous curriculum.

*Minister Nick Gibb said in response to a letter to Peter Heaton-Jones MP on 19th October:
“I note that the figures [name of teacher] has quoted, which imply that over a quarter of secondary schools are not providing RE, are referred to in a recent “State of the Nation” report by the Religious Education Council and the National Association of Teachers of RE. This is based on information collected in the School Workforce Census, which records the teaching of dedicated subjects. However, if RE is taught as part of critical thinking, citizenship, or any other subject, then the survey does not collect this. The Association of School and College Leaders responded to the report, stating that many schools deliver RE through these subjects*. These schools may, therefore, be meeting the requirement to deliver RE.”*

**We queried this statement with the ASCL officer and he stated that he was misquoted in the press.*

An example of delivering RE through another subject is published on a school website as their 'provision for RE'. NATRE believes such an approach would not be meeting a pupil's entitlement to a Religious Education.

RE is delivered during tutorials once a week over one half term. Students look at 6 different religions: Christianity, Judaism, Islam, Buddhism, Hinduism and Sikhism. For each religion they are taught about its origin, some of their most important beliefs, symbolism, place of worship, religious holidays and religious traditions.

Ofsted however, appear to be raising questions about approaches to curriculum design and timetabling that do not allow pupils to make and demonstrate the optimum progress in Religious Education. These include occasional drop-down days, the claim that RE is being delivered through tutor time, integrated programmes with minimal timetable time for RE and early entry for GCSE. The following examples illustrate this development:

- (1) - The school's **curriculum is too narrow** ... Key subject areas, for example **Religious Education**, are delivered mainly through 'drop-down' days which happen about five times a year.
- (2) - Leaders have not fully evaluated the impact of the curriculum. There is no overview of the progression of skills that pupils learn from one year to the next, and the school **has not taken account of the limited information that is being taught** in Religious Education across the school ...
- (3) - The curriculum is inadequate. It does not include some essential elements, such as Religious Education. The teaching of fundamental British values is weak. Leaders have recently recognised that the way the school day is timetabled is compounding poor learning.
- (4) - The school's previous policy of **entering pupils for some GCSE examinations in Year 10** rather than in Year 11 continues to have a negative impact on their progress. This is the case across a range of subjects including ... Religious Education ...

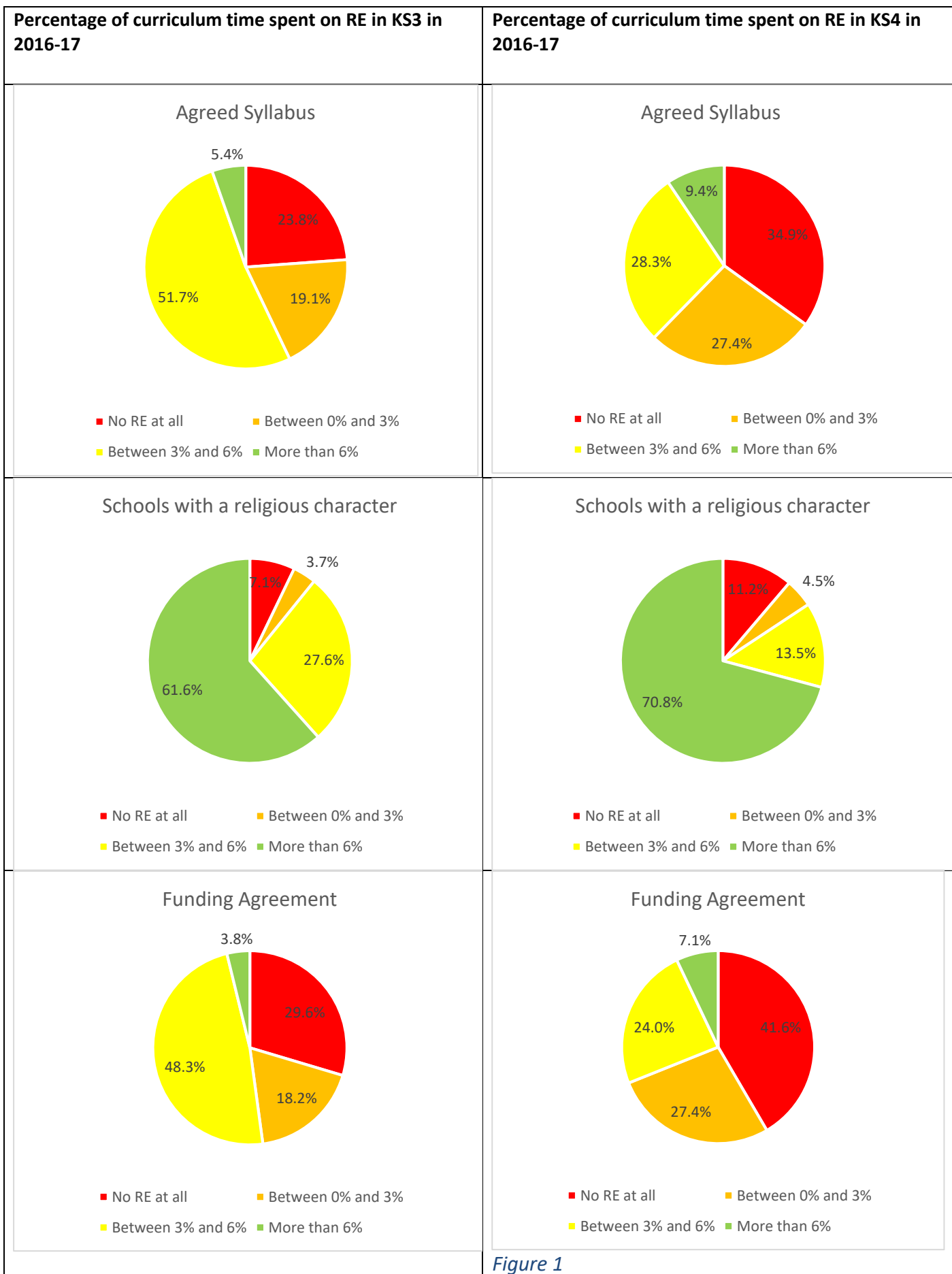


Figure 1

Analysis:

Accountability: The different levels of reported provision in key stage 3 and 4 is marked in both schools that are required to follow an Agreed Syllabus and Academies without a religious character. The most likely explanation for this is that schools are responding to the government's accountability measures. The subjects in the English Baccalaureate are prioritised in both the Progress and Attainment 8 measures as figure 2 below shows. Religious Studies GCSE must therefore compete for space with all the remaining subjects in the curriculum including the arts. There is no recognition of short course GCSE which before 2011 was a popular means of fulfilling the statutory provision for RE, attracting around 254,000 candidates in England (see figure 3 below). By contrast, in 2017 a mere 37,000 candidates made entries for this examination. In 2018 Ofqual⁷ predicts this to fall further to just over 27,000 and full course to fall to just over 233,000; a fall of 14% in just two years. NATRE's 2015⁸ survey found that in almost 1/3 of schools, these accountability measures had contributed to schools requiring teachers to deliver the full course, which could at least contribute to the 'open group' in the Progress 8 measure in the time previously allocated to the short course. There is no accountability measure for core RE.



Figure 2

The Law and Funding Agreements:

Even given the apparent protection of the law, in **local authority-maintained schools where the Agreed Syllabus** applies, in almost one in 4 schools at Key Stage 3 and one in 3 schools at Key Stage 4, report that there is no timetable time for RE at all. The figure for Key Stage 4 has increased from one in five of this type of school (20.7%) in 2015 to more than one in three schools (34.9%) in 2016. This decline is mirrored in the decline in entries for GCSE of more than 31,000 candidates in the same academic year. (See figure 3 below) Entries have fallen by more than 131,000 (30%) since 2010.

In **academies without a religious character**, where funding agreements with the Department for Education require provision for all pupils on the school role similar problems exist with accountability. In around 30% of schools at Key Stage 3 and over 40% at Key Stage 4, schools report making no provision for RE at all.

By contrast, in **schools and academies with a religious character**, around 7% of schools at Key Stage 3 and 11% at Key Stage 4 report making no provision for RE.

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.

⁷ <https://www.gov.uk/government/statistics/entries-for-gcse-as-and-a-level-summer-2018-exam-series>

⁸

<https://www.natre.org.uk/uploads/Additional%20Documents/NATRE%20EBacc%20Survey%202015%20v1%20%20060116%20FINAL.pdf>

GCSE RELIGIOUS STUDIES ENTRIES IN ENGLAND 2010-2017

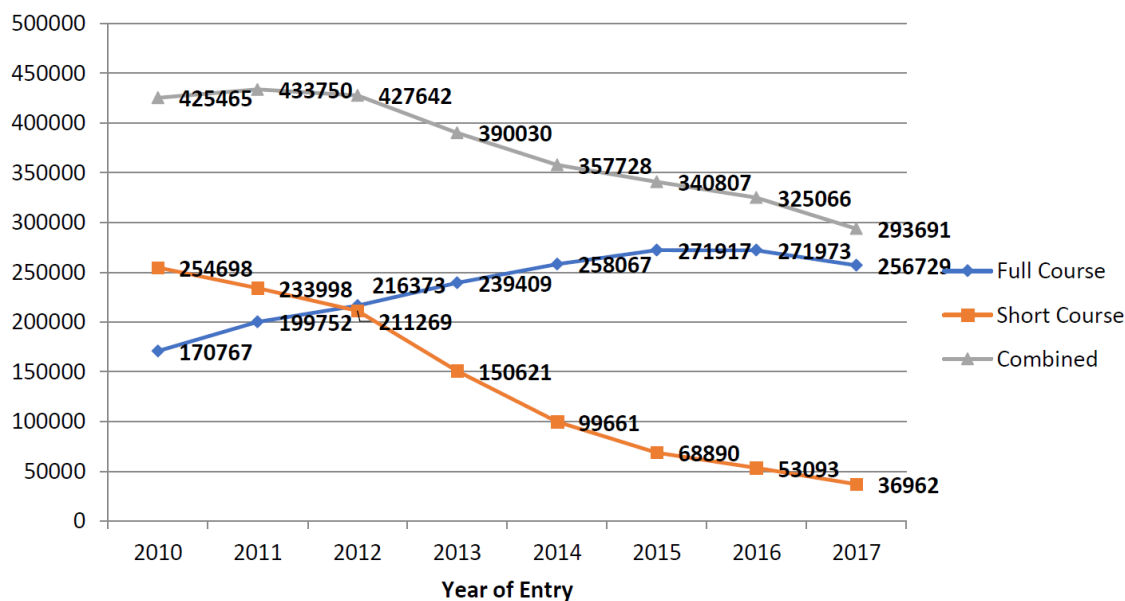


Figure 3

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).

Ofsted should:

- ensure that the quality and 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.