

Extract from NSS Bulletin October 2001

With minor updates

WITHDRAWING CHILDREN FROM RE LESSONS?

For reasons often rehearsed in these columns, secularists want proselytising RE lessons removed from the school timetable. One of the major arguments against the removal of RE as a subject is that it would be a disservice to pupils for them not to learn at least the basics about the world's different religions. Yet practically all secularists would be happy with pupils being taught *about* world beliefs, provided that they were not taught in excessive detail, no religion was given special preference, and that the non-religious position was covered too (and accorded no less respect than the religious ones).

Because of the Government's preoccupation with religion, any campaign to abandon or drastically reform the present form of RE is doomed to failure. Secular parents therefore need to consider the best option available under current arrangements, however unsatisfactory. Withdrawal is one possibility; and we give some helpful advice on how to go about this, but we also examine below difficulties associated with withdrawal.

Parents have the statutory right under Section 71 of the School Standards and Framework Act 1998 (shown below) to withdraw their children from RE lessons and acts of Collective Worship at all maintained schools, including faith schools. Sadly, less than 1% of parents exercise this right; and most of them are Muslims, unhappy at their children being taught about other faiths.

Until now, however, secularists have perhaps been deterred from taking such action because of feelings of isolation if acting alone. This would become less of a problem if, as the Society suggests, we persuade other parents to join us. Once a few parents start the ball rolling, others will soon get the message. And once the other pupils hear about this wheeze, they would soon employ 'pester power' to persuade their parents to withdraw them as well from Collective Worship, and, hopefully from RE too. In one school where such a campaign was mounted, the school even agreed to allow those children who had been withdrawn from Collective Worship to start ten minutes later than the rest; perhaps the head teacher was a secularist!

Two specimen letters follow. The first letter is one that could be sent to the head teacher to exercise the statutory right if less formal methods have failed. The second one alerts parents to their legal right of withdrawal. Secular parents are invited to circulate both letters. They could easily fit on one sheet.

We should add a further note of caution. The Society would only suggest withdrawal (especially if the child might be the sole withdrawee, or one of a small number) if s/he was genuinely keen on the idea themselves, and was unlikely to be bullied. Parents may also want to consider their motives in this. It would be all too easy for parents frustrated at RE and CW to unwittingly draw their children as unwilling pawns into the parents' own battle with the school.

If the latest information we are receiving applies widely, perhaps the largest fly in the ointment arises where RE is being offered as a GCSE examination. One member has informed us that when contemplating removing his child from RE, he was told by the school that "RE is an easy GCSE subject which can be studied with nominal homework in only half the time a normal subject takes up. Removing children from this subject would merely reduce the number of GCSE's they could get." Making RE the easiest subject by far is just another insidious way of bringing further pressure for pupils to take RE seriously.

The foregoing quote explains the reason behind the RE examination growing rapidly in popularity, despite RE itself being the *least* favourite subject (according to a survey).

We are reliably informed however that it *is* possible to do well in this examination while taking a well-argued non-believing stance. We also know of a number of well-informed, articulate and non-believing

pupils (mainly sons and daughters of members) who take RE but we rather suspect that their schools wish, because of these pupils relentless questioning, that they didn't.

Maybe the foregoing suggests an alternative tactic: opting out of Collective Worship but attending RE, and encouraging the open expression of atheist/secularist views in RE lessons!

If parents find religion being peddled as fact in RE lessons, as it is in many, parents ought to complain to the Head Teacher. Instead, we should insist that teachers should say: "Christians (or whoever) believe" And, hopefully, it may just be possible to encourage the school to give some positive coverage to non-religious life stances.

We will be interested to hear of your experiences, views or suggestions.

(A letter as direct of this is only suggested after all verbal requests and attempts at negotiation have failed.)

Specimen letter to head teacher

Dear Head Teacher

As the parents of XXXXXX, we are writing formally to give notice that we are requesting [his/her] being withdrawn from RE lessons and acts of Collective Worship at your school with immediate effect in accordance with Section 71 of the School Standards and Framework Act 1998.

You are doubtless aware that the right to withdraw children from RE lessons and religious worship in schools is unconditional and can even be exercised in schools that are religious in nature.

I am confident that I can count on you to take all necessary action to ensure that this formal request is complied with, but emphasise that I wish my child to continue to attend assembly except for the Collective Worship element. I am sure I can count on you to ensure that this request will not result in XXXX being treated by staff in any disadvantageous way. I only mention this as is not unknown for such requests to be met with the child being excluded from the whole of assembly or, while withdrawn from RE, to be allocated some menial task. Clearly, such victimisation would be completely unacceptable.

[I would however be grateful were the school to make arrangements for alternative lessons to be given to my child during the time when they would have been attending RE lessons and, if their length warrants it, acts of Collective Worship. If alternative lessons are not provided, we ask that our child be given the opportunity for private study during the time withdrawn.]

As you know, there is no requirement for us to give any explanation for our decision, nor do we wish to do so. The decision we have made is final and we are not prepared to enter into any further negotiations on the matter, save, perhaps, over the practical details of implementation. If you wish to raise any questions of this nature, we would prefer them to be made in writing.

Yours faithfully

(The above passage in parentheses may be omitted as being over-ambitious as, in practice, it is likely that the child will be asked to sit in with another class.)

Specimen letter to parents

Dear Parent

I am writing to make sure that you are aware that you have the legal right accordance with Section 71 of the School Standards and Framework Act 1998 to withdraw your child from RE lessons and acts of Collective Worship in publicly funded or maintained schools. This right can be exercised even if your child goes to a faith-based school.

Withdrawal is easy; no confrontation is necessary. It simply entails writing a short letter similar to the sample [overleaf]. The letter expresses your desire to have your child withdrawn from RE lessons and acts of Collective Worship. No explanation need be given. The school is obliged to accede to your direction. We took the decision to withdraw our child from Collective Worship and RE because we consider religious practice to be a private matter for the home and place of worship; we do not consider school to be an appropriate venue. Furthermore, many parents do not wish to inculcate their children with religious belief, being happy to let their child reach its own conclusions in its own way.

We also disagree with the way RE is taught, especially the tendency to 'teach' religion as fact. We are unhappy that children are discouraged if not forbidden from expressing views in RE lessons other than those from a believer's perspective. Children are generally not allowed to challenge the claims of religion, nor to offer alternative explanations of events in the universe.

With the exception of RE and Collective Worship, school activities aim to exercise a child's intellectual capacity and encourage them to think independently. In our opinion, RE and Collective Worship are tantamount to indoctrination and therefore not in the child's interests.

We invite you also to write to the school to withdraw your child from RE and Collective Worship. If sufficient parents withdraw their children from RE and acts of collective worship, we will be in a better position to press for children to be given, while they are withdrawn, additional teaching on academic subjects that will enhance their general education and career prospects. Even if it is not possible to secure additional teaching time, pupils will be able to devote the time during which they are withdrawn to private study on such subjects.

If you wish to withdraw your child from RE, whether for the above reasons or ones of your own, we would encourage you to write to the school immediately. A copy of the letter we sent to the Head is reproduced [overleaf/below]. When writing your own letter, you are welcome to use the same text, or adapt it.

We should emphasise that are not seeking to remove any reference at school to religion; it has played an important part in the world's culture and has a place in such subjects as history and art. We would also be happy for our child to learn something about comparative religions, provided none were taught as being superior to the others, and non-religious perspectives were also covered on an equal basis. We, perhaps like yourselves, hope that eventually RE will be removed from the school timetable leaving children to pursue their education without being held back by this unnecessary and far from harmless subject.

Yours faithfully

School Standards and Framework Act 1998

1998 Chapter 31 -

EXTRACT FROM <http://www.legislation.hmsso.gov.uk/acts/acts1998/80031--o.htm#71>

(Our emphasis)

Exceptions and special arrangements etc.

Exceptions and special arrangements; provision for special schools.

71. - (1) If the parent of a pupil at a community, foundation or voluntary school requests that he may be wholly or partly excused-

- (a) from receiving religious education given in the school in accordance with the school's basic curriculum,
 - (b) from attendance at religious worship in the school, or
 - (c) both from receiving such education and from such attendance,
- the pupil shall be so excused until the request is withdrawn.

- (2) In subsection (1)-

- (a) the reference to religious education given in accordance with the school's basic curriculum is to such education given in accordance with the provision included in the school's basic curriculum by virtue of section 352(1)(a) of the Education Act 1996, and
- (b) the reference to religious worship in the school includes religious worship which by virtue of paragraph 2(6) of Schedule 20 takes place otherwise than on the school premises.

(3) Where in accordance with subsection (1) a pupil has been wholly or partly excused from receiving religious education or from attendance at religious worship and the local education authority are satisfied-

- (a) that the parent of the pupil desires him to receive religious education of a kind which is not provided in the school during the periods of time during which he is so excused,
 - (b) that the pupil cannot with reasonable convenience be sent to another community, foundation or voluntary school where religious education of the kind desired by the parent is provided, and
 - (c) that arrangements have been made for him to receive religious education of that kind during school hours elsewhere,
- the pupil may be withdrawn from the school during such periods of time as are reasonably necessary for the purpose of enabling him to receive religious education in accordance with the arrangements.

(4) A pupil may not be withdrawn from school under subsection (3) unless the local education authority are satisfied that the arrangements there mentioned are such as will not interfere with the attendance of the pupil at school on any day except at the beginning or end of a school session (or, if there is only one, the school session) on that day.

(5) Where the parent of a pupil who is a boarder at a community, foundation or voluntary school requests that the pupil be permitted-

- (a) to receive religious education in accordance with the tenets of a particular religion or religious denomination outside school hours, or
- (b) to attend worship in accordance with such tenets on Sundays or other days exclusively set apart for religious observance by the religious

body to which his parent belongs,
the governing body shall make arrangements for giving the pupil reasonable opportunities for doing so.

(6) Arrangements under subsection (5) may provide for making facilities for such education or worship available on the school premises, but any expenditure entailed by the arrangements shall not be met from the school's budget share or otherwise by the local education authority.

(7) Regulations shall make provision for securing that, so far as practicable, every pupil attending a community or foundation special school-

- (a) receives religious education and attends religious worship, or
- (b) is withdrawn from receiving such education or from attendance at such worship in accordance with the wishes of his parent.

<http://www.legislation.hmsso.gov.uk/acts/acts1998/80031-bk.htm#sch20>

SCHEDULE 20

SCHEDULE 20

COLLECTIVE WORSHIP

Introductory

1. In this Schedule "the required collective worship", in relation to a school, means the collective worship in that school which is required by section 70.

General provisions as to collective worship

2. - (1) This paragraph applies to any community, foundation or voluntary school.

(2) The arrangements for the required collective worship may, in respect of each school day, provide for a single act of worship for all pupils or for separate acts of worship for pupils in different age groups or in different school groups.

(3) For the purposes of sub-paragraph (2) a "school group" is any group in which pupils are taught or take part in other school activities.

(4) Subject to sub-paragraph (6), the arrangements for the required collective worship shall be made-

- (a) if the school is a community school or a foundation school which does not have a religious character, by the head teacher after consulting the governing body;
- (b) if the school is a foundation school which has a religious character or a voluntary school, by the governing body after consulting the head teacher.

(5) Subject to sub-paragraph (6), the required collective worship shall take place on the school premises.

(6) If the governing body of a community, foundation or voluntary school are of the opinion that it is desirable that any act of collective worship in the school required by section 70 should, on a special occasion, take place elsewhere than on the school

premises, they may, after consultation with the head teacher, make such arrangements for that purpose as they think appropriate.

(7) The powers of a governing body under sub-paragraph (6) shall not be exercised so as to derogate from the rule that the required collective worship must normally take place on the school premises.

Nature of collective worship in community schools and foundation schools without a religious character

3. - (1) This paragraph applies to-

- (a) any community school; and
- (b) any foundation school which does not have a religious character.

(2) Subject to paragraph 4, the required collective worship shall be wholly or mainly of a broadly Christian character.

(3) For the purposes of sub-paragraph (2), collective worship is of a broadly Christian character if it reflects the broad traditions of Christian belief without being distinctive of any particular Christian denomination.

(4) Not every act of collective worship in the school required by section 70 need comply with sub-paragraph (2) provided that, taking any school term as a whole, most such acts which take place in the school do comply with that sub-paragraph.

(5) Subject to sub-paragraphs (2) and (4)-

- (a) the extent to which (if at all) any acts of collective worship required by section 70 which do not comply with sub-paragraph (2) take place in the school,
- (b) the extent to which any act of collective worship in the school which complies with sub-paragraph (2) reflects the broad traditions of Christian belief, and
- (c) the ways in which those traditions are reflected in any such act of collective worship,

shall be such as may be appropriate having regard to any relevant considerations relating to the pupils concerned which fall to be taken into account in accordance with sub-paragraph (6).

(6) Those considerations are-

- (a) any circumstances relating to the family backgrounds of the pupils which are relevant for determining the character of the collective worship which is appropriate in their case, and
- (b) their ages and aptitudes.

(7) In this paragraph references to acts of collective worship in the school include such acts which by virtue of paragraph 2(6) take place otherwise than on the school premises.

Disapplication of requirement under paragraph 3(2)

4. - (1) This paragraph applies where a standing advisory council on religious education have determined (under section 394 of the Education Act 1996) that it is not appropriate for the requirement imposed by paragraph 3(2) to apply in the case of any school to which paragraph 3 applies or in the case of any class or description of pupils at any such school.

(2) While the determination has effect-

(a) paragraph 3 shall not apply in relation to the school or (as the case may be) the pupils in question, and

(b) the collective worship required by section 70 in the case of the school or pupils shall not be distinctive of any particular Christian or other religious denomination;

but paragraph (b) shall not be taken as preventing that worship from being distinctive of any particular faith.

Nature of collective worship in foundation schools with a religious character and voluntary schools

5. In the case of a foundation school which has a religious character or a voluntary school, the required collective worship shall be-

(a) in accordance with any provisions of the trust deed relating to the school, or

(b) where-

(i) provision for that purpose is not made by such a deed, and

(ii) the school has a religious character,

in accordance with the tenets and practices of the religion or religious denomination specified in relation to the school under section 69(4).

Commentary from <http://www.sln.org.uk/re/Law.htm> (An external website for which we are not responsible.)

From the Education Reform Act 1988, page 1

The curriculum for a maintained school satisfies the requirements..if it is a balanced and broadly based curriculum which:

a) promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society; and

b) prepares such pupils for the opportunities, responsibilities and experiences of adult life.

Religious Education

LEGAL REQUIREMENTS

The Education Reform Act (1988) prescribes for all schools a Basic Curriculum, comprising Religious Education and the National Curriculum.

All registered pupils at a school, including sixth forms, are entitled to receive Religious Education [Section 2 (1) (a)].

In Sixth Form Colleges, the governors must ensure the Religious Education is provided on a regular basis for all who wish to receive it [1992 Further and Higher Education Act, Section 45]

In County Schools RE must be non-denominational and taught in accordance with the LEA's Agreed Syllabus [Section 26 of 1944 Act]. In Voluntary Controlled Schools, the Agreed Syllabus will be taught, except where parents have requested denominational teaching [Section 27 of 1944 Act].

Any new Agreed Syllabus shall reflect the fact 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 [Section 8 (3)].

All LEAs are required to establish a Standing Advisory Council on Religious Education (SACRE). The Council has the duty of advising the LEA on such aspects of Religious Education as methods of teaching, choice of materials and the provision of training for teachers. It may also require a review of an Agreed Syllabus [Section 11 (4)].

The 1993 Education Act amended schedule 5 of the 1944 Act to require that every LEA institute a review of its locally agreed syllabus within five years of the last review, and subsequently every five years after the completion of each further review.

Parents retain the right to withdraw their children from Religious Education [Section 9 (3)].

A headteacher is required under the Education (Individual Pupils' Achievements) (Information) Regulations 1992 to send parents an annual written report on their child's progress. Unless a pupil has been withdrawn from RE, reports must contain details of the pupil's progress in RE.

Collective Worship

Legal requirements

The Education Act 1988 introduced new requirements for collective worship in maintained schools and amended or re-enacted requirements of the Education Act 1944.

Unchanged is: the requirement for a daily act of collective worship for all pupils. In County schools this must not be distinctive of a particular denomination.

the right of parents to withdraw their children from this provision, and the right of teachers not to participate in collective worship without penalty to career opportunities.

Changed is: new arrangements for daily collective worship which may include separate gatherings in groups in which pupils are organised for other school activities (eg. year groups, house groups, tutor groups). This would exclude, without the special approval of SACRE (Standing Advisory Council on Religious Education), separate faith groups. Acts of worship may be held at any time during the school day.

the requirement that most acts of collective worship be "wholly or mainly of a broadly Christian character".

new machinery (SACRE) for schools to seek formal exemption from this requirement in favour of an alternative form of worship for the whole school or for a particular group of pupils.

Summary of principal provisions:

- i) All pupils in attendance at a maintained school [including those above compulsory school age, but excluding special schools] shall on each school day take part in an act of collective worship [6 (1)].
- ii) In Sixth Form Colleges the governors should ensure that on at least one day in each week an act of collective worship is held which students may attend. In addition to broadly Christian acts of worship,

governors may provide acts of worship which reflect the practices of some or all of the religious traditions represented in Great Britain [1992 Further and Higher Education Act, Section 44].

iii) So far as practicable, all pupils in special schools should attend religious worship [1981 Act, 12 (4)].

Comment: The 1988 Act removes some of the 'impracticalities', such as a gathering of the whole school at one time, and at the beginning of the day.

iv) Arrangements may, in respect of each school day, provide for a single act of worship for all pupils or for separate acts of worship for pupils in different age groups or in different school groups [6 (2)].

v) Arrangements shall be made-

a) in the case of a County school, by the headteacher after consultation with the governing body;

b) in the case of a voluntary school, by the governing body after consultation with the headteacher [6 (3)].

Comment: The right of headteachers not to participate in collective worship is safeguarded [1944 Act, 30]; heads do have a statutory duty, however, to secure appropriate arrangements for their pupils [1988 Act, 10 (1)].

vi) Collective worship shall take place on school premises, although in Aided schools exceptions may be made on special occasions [6 (4)(5)(6)]. County and Controlled schools may hold acts of worship off the school premises only if they are in addition to the daily statutory act of worship in school.

vii) For County schools, collective worship must be wholly or mainly of a broadly Christian character, reflecting the broad traditions of Christian belief without being distinctive of any particular Christian denomination. It is not necessary that every act of worship complies with this requirement, provided that, taking any school term as a whole, most such acts do comply [7 (1)(2)(3)].

viii) In determining the character and organisation of collective worship in relation to these principles, heads will need to take account of the family backgrounds, as well as the ages and aptitudes, of their pupils [7 (4)(5)].

Comment: In other words, schools will be expected to adopt a proper educational approach to worship, and not to assume a uniform level of understanding and commitment.

ix) Worship distinctive of any denomination (Christian or other religion) is not normally permitted on school premises. Parents may, however, request facilities for worship in accordance with the tenets of a denomination, and reasonable steps should be taken to accommodate such requests provided that no additional costs fall upon the authority [1944 Act, 26]. Pupils may be withdrawn from school for alternative worship only at the beginning or end of any school session [1988 Act, 9 (6)].

x) Worship distinctive of a faith or religion other than Christianity may be permitted in school, for all or part of the week, for large or small groups of pupils, but only if approval is given by SACRE on receipt of a written request from the headteacher, after consulting the governing body. Such requests should set out proposed alternative arrangements and relevant circumstances relating to the family background of the pupils concerned. Any determination by SACRE must be reviewed after five years, or earlier if requested by the school [7 (6); 12].

xi) Schools should ensure that relevant information is available to parents regarding arrangements for collective worship and rights of withdrawal.