



Department
for Education

Department for Education
Curriculum Policy Division
2nd Floor
Sanctuary Buildings
London SW1 3BT

Paul Smalley
Chair, NASACRE

Tel: 0370 000 2288

www.gov.uk/dfes

Email enquiry form:

www.education.gov.uk/contactus/dfes

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Dear Paul

Compliance with the duty to teach Religious Education

As discussed when we last met, I have spoken to a few representatives of SACREs over recent months about what can be done about schools that are failing to meet their obligations to teach RE – whether that is in accordance with an Agreed Syllabus or, in the case of academies and free schools, in line with their funding agreements.

I thought it might be helpful if I set out what we expect of state funded schools and the steps to follow if these expectations aren't met.

The requirement to teach RE

SACRE members will be familiar with the requirements on maintained schools, including the duty on those without a religious designation and voluntary controlled schools to follow the local Agreed Syllabus.

Under the terms of their Funding Agreement with the Secretary of State, all academies (including free schools) must provide RE for all their registered pupils from age 5 to 18, except for those whose parents exercise the right of withdrawal. Each academy's funding agreement should be published on its website, but can also be found on DfE's 'Compare Schools' website (once you've found the school, select the 'workforce and finance' option and scroll down to the funding agreement. The requirement to teach RE is set out in the 'supplementary funding agreement' for each school and also in newer 'master funding agreements' at multi-academy trust level).

Generally speaking, academies with a religious designation (except ex-voluntary controlled schools) must teach within the tenets of the faith specified in their designation. They may, in addition, provide RE that is in line with a locally agreed syllabus and teach about other faiths if they choose. Academies with no religious designation must teach RE 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'. Academies are free to follow a locally agreed syllabus if they choose to.

Unlike an agreed syllabus, funding agreements do not provide further detail of the RE to be taught. However, we would expect that all schools provide pupils with a curriculum that is high quality and promotes progression through the key stages, including in RE. The non-

statutory guidance for RE (2010) also states that head teachers should ensure that 'the subject is well led and effectively managed, and that standards and achievement in RE, and the quality of the provision, are subject to regular and effective self-evaluation.'

Agreed syllabuses and requiring schools to teach an accredited qualification

The issue of requiring schools to teach an accredited Religious Studies qualification is one that has come up recently and, if this is a requirement of an agreed syllabus, it's important that wording is carefully chosen. For example, I've seen variations of the following text in agreed syllabuses: 'It is a legal requirement and an entitlement that all students (other than those withdrawn by parental request) study RE at Key Stage 4 through an accredited course....'

This wording implies that it is a legal requirement to teach a RS qualification – whereas, in my view, the law does not directly state this ie. legislation doesn't specifically require schools to teach RS. Neither does it require each agreed syllabus to specify that schools must teach a full or short course RS GCSE or other accredited qualification. However, the law does require relevant schools to follow the agreed syllabus. So, if an area's syllabus says that an accredited RS qualification must be taught, then a school may be in breach of that statutory duty (ie. to follow the agreed syllabus) if it doesn't do so.

It is also the case that, if a school is required by the agreed syllabus to teach a RS qualification at key stage 4, and enters its pupils for this at the end of Year 10, it should still be teaching RE in Year 11. Otherwise, it does not meet the duty to provide RE as part of its curriculum to 'all registered pupils at the school'.

Handling reports that a school is not meeting its duty to teach RE

Where a school appears to be failing to meet its obligations – either to comply with the agreed syllabus or to meet funding agreement requirements to teach RE – we would expect the LA or SACRE to follow this up; and to refer the case to DfE if it cannot be resolved locally.

I'd recommend starting by contacting the school, outlining details of concerns and asking for comments. This allows the school an opportunity to correct misconceptions, provide clarifying information, or to resolve an issue. I'm also aware of cases where an LA officer or SACRE member has visited a school to discuss an issue in person to help them assess whether it is complying with the agreed syllabus.

If talking to the school hasn't resolved the issue, the LA or SACRE should refer the case or any queries to my team via CurriculumSupport.TEAM@education.gov.uk, providing details of the issue and with copies of any related correspondence or emails between them and the school.

I hope that this is helpful.

Best wishes

Neil Lawson