



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 3

#### FURTHER PROVISIONS ABOUT MAINTAINED SCHOOLS

##### *Miscellaneous*

#### **55 Right of sixth-form pupils to be excused from attendance at religious worship**

- (1) Section 71 of SSFA 1998 (which, in relation to religious education and attendance at religious worship, makes provision for exceptions and special arrangements, and for special schools) is amended as follows.
- (2) For subsection (1) substitute—
  - “(1) If the parent of a pupil at a community, foundation or voluntary school requests that he may be wholly or partly excused from receiving religious education given at the school in accordance with the school’s basic curriculum, the pupil shall be so excused until the request is withdrawn.
  - (1A) If the parent of any pupil at a community, foundation or voluntary school other than a sixth-form pupil requests that he may be wholly or partly excused from attendance at religious worship at the school, the pupil shall be so excused until the request is withdrawn.
  - (1B) If a sixth-form pupil requests that he may be wholly or partly excused from attendance at religious worship at a community, foundation or voluntary school, the pupil shall be so excused.”
- (3) In subsection (2), for “subsection (1)” substitute “subsections (1) to (1B)”.
- (4) In subsection (3), after “subsection (1)” insert “or (1A)”.
- (5) In subsection (5), after “voluntary school” insert “and is not a sixth-form pupil”.
- (6) After subsection (5) insert—

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*Status: This is the original version (as it was originally enacted).*

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“(5A) Where a sixth-form pupil who is a boarder at a community, foundation or voluntary school requests that he 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 the pupil belongs,

the governing body shall make arrangements for giving the pupil reasonable opportunities for doing so.”

(7) In subsection (6), after “subsection (5)” insert “or (5A)”.

(8) For subsection (7) substitute—

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

- (a) receives religious education unless withdrawn from receiving such education in accordance with the wishes of his parent, and
- (b) attends religious worship unless withdrawn from attendance at such worship—

- (i) in the case of a sixth-form pupil, in accordance with his own wishes, and

- (ii) in any other case, in accordance with the wishes of his parent.”

(9) After subsection (7) insert—

“(8) In this section “sixth-form pupil” means any pupil who—

- (a) has ceased to be of compulsory school age, and
- (b) is receiving education suitable to the requirements of pupils over compulsory school age.”

## **56 Charges for music tuition**

(1) In section 451 of EA 1996 (prohibition of charges for provision of education) for subsection (3) substitute—

“(3) Regulations may prescribe circumstances in which subsection (2) does not apply in relation to tuition in singing or in playing a musical instrument.”

(2) In section 456 of EA 1996 (regulation of permitted charges), in subsection (6), after “tuition in” insert “singing or in”.

## **57 School funding**

Schedule 5 contains amendments of Chapter 4 of Part 2 of SSFA 1998 (financing of maintained schools).

**58 Removal of requirement to issue code of practice as to relationships between LEAs and maintained schools in England etc**

- (1) Section 127 of SSFA 1998 (code of practice for securing effective relationships between LEAs and maintained schools) is amended as follows.
- (2) In subsection (1)—
  - (a) for “Secretary of State” substitute “Assembly”,
  - (b) for “he” substitute “it”,
  - (c) after “local education authorities” insert “in Wales”, and
  - (d) for paragraph (b) substitute—
    - “(b) in relation to the discharge of such functions as the Assembly may determine for the purposes of this paragraph which are functions exercisable by or on behalf of such authorities in relation to such schools.”
- (3) In subsection (2), after “maintained nursery school” insert “in Wales”.
- (4) For subsection (3) substitute—
  - “(3) Subsections (1) and (2) of section 85 shall apply in relation to the code as they apply in relation to a code under section 84 relating to Wales.”
- (5) In subsection (4), for “Secretary of State” substitute “Assembly”.
- (6) Omit subsections (5) and (6).
- (7) In the heading, and in the italic heading immediately above it, after “maintained schools” insert “in Wales”.