



# Education Act 1993

## 1993 CHAPTER 35

### PART II

#### GRANT-MAINTAINED SCHOOLS

### CHAPTER X

#### GENERAL AND MISCELLANEOUS

*Religious education, worship etc.: classes of grant-maintained school*

**138 Former county schools and certain schools established as grant-maintained schools**

- (1) Subject to section 141 of this Act, this section applies in relation to a grant-maintained school if—
  - (a) it was a county school immediately before it became grant-maintained,
  - (b) it was established in pursuance of proposals published under section 48 of this Act, or
  - (c) it was established in pursuance of proposals published under section 49 of this Act and neither any trust deed relating to the school nor the statement required by paragraph 8 of Schedule 3 to this Act makes provision as to the religious education for pupils at the school.
- (2) Subject to the following provisions of this section, in the case of a school to which this section applies the collective worship required in the school by section 6 of the Education Reform Act 1988 (collective worship) shall be wholly or mainly of a broadly Christian character.
- (3) For the purposes of subsection (2) above, 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.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Every act of collective worship required by section 6 of that Act in the case of a school to which this section applies need not comply with subsection (2) above provided that, taking any school term as a whole, most such acts which take place in the school do comply with that subsection.
- (5) Subject to subsections (2) and (4) above—
- (a) the extent to which (if at all) any acts of collective worship required by section 6 of that Act which do not comply with subsection (2) above take place in such a school,
  - (b) the extent to which any act of collective worship in such a school which complies with subsection (2) above 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 subsection (6) below.
- (6) Those considerations are—
- (a) any circumstances relating to the family backgrounds of the pupils concerned which are relevant for determining the character of the collective worship which is appropriate in their case, and
  - (b) their ages and aptitudes.
- (7) Where under section 12 of the Education Reform Act 1988 (determination by standing advisory councils of the cases in which the requirement for Christian worship is not to apply) a standing advisory council on religious education determine that it is not appropriate for subsection (2) above to apply in the case of a school to which this section applies, or in the case of any class or description of pupils at such a school (or where they had so determined in the case of a school or pupils at a school before it became grant-maintained) then, so long as that determination has effect—
- (a) that subsection shall not apply in relation to that school or (as the case may be) in relation to those pupils, and
  - (b) the collective worship required by section 6 of that Act (collective worship) in the case of that school or those pupils shall not be distinctive of any particular Christian or other religious denomination (but this shall not be taken as preventing that worship from being distinctive of any particular faith).
- (8) The arrangements for collective worship in a school to which this section applies required by section 6 of that Act shall be made by the head teacher after consultation with the governing body.
- (9) The provision for religious education for pupils at the school which is required by section 2(1)(a) of that Act (basic curriculum for schools) shall be provision for religious education in accordance with the appropriate agreed syllabus.
- (10) That syllabus shall not provide for religious education to be given to pupils at the school by means of any catechism or formulary which is distinctive of a particular religious denomination (but this is not to be taken as prohibiting provision in the syllabus for the study of such catechisms or formularies).
- (11) If, in the case of a secondary school so situated that arrangements cannot conveniently be made for the withdrawal of pupils from it in accordance with section 9 of that Act

(religious education - exceptions etc.) to receive religious education elsewhere, the governing body are satisfied—

- (a) that the parents of any pupils at the school desire them to receive religious education in the school in accordance with the tenets of a particular religion or religious denomination, and
- (b) that satisfactory arrangements have been made for the provision of such education to those pupils in the school, and for securing that the cost of providing such education to those pupils in the school will not fall upon the governing body,

the governing body shall (unless they are satisfied that because of any special circumstances it would be unreasonable to do so) provide facilities for the carrying out of those arrangements.

- (12) References in this section to acts of collective worship in a school to which this section applies include references to any such act which under section 6 of that Act takes place otherwise than on the school premises.

### **139 Former controlled schools**

- (1) Subject to section 141 of this Act, this section applies in relation to a grant-maintained school which was a controlled school immediately before it became grant-maintained.
- (2) The provision for religious education for pupils at the school which is required by section 2(1)(a) of the Education Reform Act 1988 to be included in the school's basic curriculum shall be provision for religious education—
  - (a) in accordance with any arrangements made under subsection (3) below, or
  - (b) subject to any such arrangements, in accordance with the appropriate agreed syllabus.
- (3) Where the parents of any pupils at the school have requested (whether before or after the school became grant-maintained) that the pupils may receive religious education—
  - (a) in accordance with any provisions of the trust deed relating to the school, or
  - (b) where provision for that purpose is not made by such a deed, in accordance with the practice observed in the school before it became a grant-maintained school,

the foundation governors shall (unless they are satisfied that because of any special circumstances it would be unreasonable to do so) make arrangements for securing that such religious education is given to those pupils in the school during not more than two periods in each week.

### **140 Former aided or special agreement schools and certain schools established as grant-maintained schools**

- (1) Subject to section 141 of this Act, this section applies in relation to a grant-maintained school if—
  - (a) it was an aided or special agreement school immediately before it became grant-maintained, or
  - (b) it was established in pursuance of proposals published under section 49 of this Act and either any trust deed relating to the school or the statement required by paragraph 8 of Schedule 3 to this Act makes provision as to the religious education for pupils at the school.

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- (2) The provision for religious education for pupils at the school which is required by section 2(1)(a) of the Education Reform Act 1988 to be included in the school's basic curriculum shall be provision for religious education—
- (a) in accordance with any provisions of any trust deed relating to the school or, where provision for that purpose is not made by such a deed—
    - (i) in the case of a former aided or special agreement school, in accordance with the practice observed in the school before it became a grant-maintained school, or
    - (ii) in the case of a school established in pursuance of proposals published under section 49 of this Act, in accordance with the statement required by paragraph 8 of Schedule 3 to this Act, or
  - (b) in accordance with any arrangements made under subsection (3) below.
- (3) Where the parents of any pupils at the school—
- (a) desire them to receive religious education in accordance with any agreed syllabus adopted by the local education authority for the area in which the school is situated for use in schools maintained by the authority, and
  - (b) cannot with reasonable convenience cause those pupils to attend a school at which that syllabus is in use,
- the governing body shall (unless they are satisfied that because of any special circumstances it would be unreasonable to do so) make arrangements for religious education in accordance with that syllabus to be given to those pupils in the school.
- (4) Religious education under any such arrangements shall be given during the times set apart for the giving of religious education in the school in accordance with the provision for that purpose included in the school's basic curriculum by virtue of section 2(1)(a) of the Education Reform Act 1988.
- (5) The head teacher of a school to which this section applies shall give notice in writing to the council constituted under section 11 of that Act (standing advisory councils on religious education) by the local education authority in whose area the school is of any agreed syllabus which is in use at the school in accordance with subsection (3) above.

#### **141 Changes in religious education and worship**

- (1) Subsection (2) below applies where, in the case of a school in relation to which section 138 or 139 of this Act for the time being applies, proposals that the required provision for religious education should be provision for religious education in accordance with the tenets of a particular religion or religious denomination are approved under section 98 of this Act.
- (2) From the time at which the proposals fall to be implemented—
- (a) the required provision for religious education shall (subject to subsection (3) below) be provision for religious education either in accordance with the tenets of that religion or religious denomination or in accordance with any arrangements made under section 140(3) of this Act (as applied by paragraph (b) below),
  - (b) section 140(3) to (5) of this Act shall apply in relation to the school, and
  - (c) any provisions of section 138 or 139 of this Act which apply in relation to the school shall cease to apply in relation to it.

- (3) Where, in the case of any grant-maintained school, proposals that the required provision for religious education should be provision for religious education otherwise than in accordance with the tenets of a particular religion or religious denomination are approved under section 98 of this Act—
- (a) section 138 of this Act shall apply in relation to the school from the time at which the proposals fall to be implemented, and
  - (b) any provisions of section 139 or 140 of this Act which apply in relation to the school shall cease to apply in relation to it from that time.
- (4) In this section, “the required provision for religious education”, in relation to a school, means the provision for religious education for pupils at the school which is required by section 2(1)(a) of the Education Reform Act 1988 to be included in the school’s basic curriculum.

#### **142 Meaning of “the appropriate agreed syllabus” in sections 138 and 139**

- (1) For the purposes of sections 138(9) and 139(2) of this Act, “the appropriate agreed syllabus”, in relation to a grant-maintained school or to any pupils at it, is—
- (a) the agreed syllabus adopted or deemed to be adopted for the time being by the local education authority for the area in which the school is situated for use in the schools maintained by the authority,
  - (b) if there is more than one such syllabus, whichever of them the governing body shall determine, or
  - (c) if the governing body select for the school or those pupils an agreed syllabus which was adopted or deemed to be adopted by a local education authority, other than the authority in whose area the school is, on or after 29th September 1988 and which has not been replaced by a new agreed syllabus, that syllabus.
- (2) In relation to a school in Wales, in subsection (1)(c) above “local education authority” means a local education authority in Wales.