



# Education Act 1996

## 1996 CHAPTER 56

### PART V

#### THE CURRICULUM

#### CHAPTER III

##### RELIGIOUS EDUCATION AND WORSHIP

##### *Agreed syllabuses*

#### **375 Agreed syllabuses of religious education.**

- (1) Subject to the provisions of Schedule 31, any agreed syllabus in force immediately before the commencement of this Act shall continue to have effect.
- (2) In this Act “agreed syllabus” means a syllabus of religious education—
  - (a) prepared before the commencement of this Act in accordance with Schedule 5 to the <sup>M1</sup>Education Act 1944 or after commencement in accordance with Schedule 31, and
  - (b) adopted by a local education authority under that Schedule, whether it is for use in all the schools maintained by them or for use in particular such schools or in relation to any particular class or description of pupils in such schools.
- (3) Every 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.
- (4) Any reference in this Act to an agreed syllabus adopted by a local education authority includes a reference to an agreed syllabus deemed to be adopted by such an authority by virtue of paragraph 11 of Schedule 5 to the <sup>M2</sup>Education Act 1944 or paragraph 14 of Schedule 31; and accordingly, in relation to an agreed syllabus deemed to be so adopted, any reference to the date on which an agreed syllabus was adopted is

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a reference to the date of deemed adoption specified by the Secretary of State in a direction under that paragraph.

(5) Subsection (3) does not apply to any agreed syllabus adopted before 29th September 1988.

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**Marginal Citations**

**M1** 1944 c. 31.

**M2** 1944 c. 31.

*Required provision for religious education*

**F1**376 .....

.....

**Textual Amendments**

**F1** S. 376 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F2**377 .....

.....

**Textual Amendments**

**F2** S. 377 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F3**378 .....

.....

**Textual Amendments**

**F3** S. 378 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F4**379 .....

.....

**Textual Amendments**

**F4** S. 379 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F5**380 .....

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**Textual Amendments**

**F5** S. 380 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F6** **381** .....

**Textual Amendments**

**F6** S. 381 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F7** **382** .....

**Textual Amendments**

**F7** S. 382 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F8** **383** .....

**Textual Amendments**

**F8** S. 383 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F9** **384** .....

**Textual Amendments**

**F9** S. 384 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

*Religious worship*

**F10** **385** .....

**Textual Amendments**

**F10** S. 385 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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**F11** 386 .....

**Textual Amendments**

**F11** S. 386 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F12** 387 .....

**Textual Amendments**

**F12** S. 387 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F13** 388 .....

**Textual Amendments**

**F13** S. 388 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

*Exceptions and special arrangements*

**F14** 389 .....

**Textual Amendments**

**F14** S. 389 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1**

*Constitution of standing advisory councils on religious education*

**390 Constitution of advisory councils.**

(1) A local education authority shall constitute a standing advisory council on religious education for the purposes mentioned in section 391(1).

[<sup>F15</sup>(2) The council shall consist of such groups of persons appointed by the authority as representative members (“representative groups”) as are required by subsection (4).]

(3) The council may also include co-opted members (that is, persons co-opted as members of the council by members of the council who have not themselves been so co-opted).

(4) The representative groups required by this subsection are—

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- (a) a group of persons to represent such Christian denominations and other religions and denominations of such religions as, in the opinion of the authority, will appropriately reflect the principal religious traditions in the area;
  - (b) except in the case of an area in Wales, a group of persons to represent the Church of England;
  - (c) a group of persons to represent such associations representing teachers as, in the opinion of the authority, ought to be represented, having regard to the circumstances of the area; and
  - (d) a group of persons to represent the authority.
- (5) Where a representative group is required by subsection (4)(b), the representative group required by subsection (4)(a) shall not include persons appointed to represent the Church of England.
- (6) The number of representative members appointed to any representative group under subsection (4)(a) to represent each denomination or religion required to be represented shall, so far as consistent with the efficient discharge of the group's functions, reflect broadly the proportionate strength of that denomination or religion in the area.
- (7) On any question to be decided by the council only the representative groups on the council shall be entitled to vote, and each representative group shall have a single vote.

#### Textual Amendments

**F15** S. 390(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.93** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

### 391 Functions of advisory councils.

- (1) The purposes referred to in section 390(1) are—
- <sup>F16</sup>(a) to advise the local education authority on such matters connected with—
- (i) religious worship in community schools or in foundation schools which (within the meaning of Part II of the School Standards and Framework Act 1998) do not have a religious character, and
  - (ii) the religious education to be given in accordance with an agreed or other syllabus in accordance with Schedule 19 to that Act,
- as the authority may refer to the council or as the council may see fit, and]
- (b) to carry out the functions conferred on them by section 394.
- (2) The matters referred to in subsection (1)(a) include, in particular, methods of teaching, the choice of materials and the provision of training for teachers.
- (3) The representative groups on the council required by section 390(4), other than the group consisting of persons appointed to represent the authority, may at any time require a review of any agreed syllabus for the time being adopted by the authority.
- (4) Each representative group concerned shall have a single vote on the question of whether to require such a review.
- (5) Paragraph 3 of Schedule 31 has effect to require the authority, on receiving written notification of any such requirement, to cause a conference constituted in accordance

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with that Schedule to be convened for the purpose of reconsidering any agreed syllabus to which the requirement relates.

- (6) The council shall in each year publish a report as to the exercise of their functions and any action taken by representative groups on the council under subsection (3) during the last preceding year.
- (7) The council’s report shall in particular—
- (a) specify any matters in respect of which the council have given advice to the authority,
  - (b) broadly describe the nature of the advice given, and
  - (c) where any such matter was not referred to the council by the authority, give the council’s reasons for offering advice on that matter.

<sup>F17</sup>(8) .....

<sup>F17</sup>(9) .....

- (10) The council shall send a copy of each report published by them under subsection (6)—
- (a) in the case of a council for an area in England, to [<sup>F18</sup>the Qualifications and Curriculum Authority], and
  - (b) in the case of a council for an area in Wales, to [<sup>F19</sup>the National Assembly for Wales].

#### Textual Amendments

- F16** S. 391(1)(a)(i)(ii) substituted (1.9.1999) for s. 391(1)(a) by 1998 c. 31, s. 140(1), **Sch. 30 para. 94(2)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F17** S. 391(8)(9) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 94(3), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F18** Words in s. 391(10) substituted (1.10.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 29(a)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. III**
- F19** Words in s. 391(10)(b) substituted (1.4.2006) by The Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 5** (with art. 7)

### 392 Advisory councils: supplementary provisions.

- (1) In this section “the council” means the standing advisory council on religious education constituted by a local education authority under section 390.
- (2) Before appointing a person to represent any religion, denomination or associations as a member of the council, the authority shall take all reasonable steps to assure themselves that he is representative of the religion, denomination or associations in question.
- (3) A member of the council who was appointed by the authority may be removed from membership by the authority if, in their opinion, he ceases to be representative of the religion, denomination or associations which he was appointed to represent or (as the case may be) he ceases to be representative of the authority.

<sup>F20</sup>(4) .....

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- (5) A person co-opted as a member of the council shall hold office on such terms as may be determined by the members co-opting him.
- (6) A member of the council may at any time resign his office.
- (7) Subject to section 390(7), the council and, in relation to any question falling to be decided by members of the council of any particular category, the members of that category, may regulate their own proceedings.
- (8) The validity of proceedings of the council or of the members of the council of any particular category shall not be affected—
  - (a) by a vacancy in the office of any member of the council required by section 390(2), or
  - (b) on the ground that a member of the council appointed to represent any religion, denomination or associations does not at the time of the proceedings represent the religion, denomination or associations in question.

**Textual Amendments**

**F20** S. 392(4) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 95, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

**F21**<sup>393</sup> .....

**Textual Amendments**

**F21** S. 393 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 96, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

*Determinations by standing advisory councils*

**394 Determination of cases in which requirement for Christian collective worship is not to apply.**

- (1) The council constituted by a local education authority under section 390 shall, on an application made by the head teacher of—
  - (a) any [<sup>F22</sup>community school] maintained by the authority, or
  - <sup>F23</sup>[(b) any foundation school which has not been designated under section 69(3) of the School Standards and Framework Act 1998 by the Secretary of State as having a religious character,]  
consider whether it is appropriate for the requirement imposed by [<sup>F24</sup>paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998 (requirement for Christian collective worship)] to apply in the case of the school or in the case of any class or description of pupils at the school.
- (2) In determining whether it is appropriate for that requirement to apply as mentioned in subsection (1), the council shall have regard to any circumstances relating to the family backgrounds of the pupils at the school, or of the pupils of the particular class

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or description in question, which are relevant for determining the character of the collective worship appropriate in their case.

- (3) The council shall give the head teacher written notification of their decision on the application.
- (4) Where the council determine that it is not appropriate for the requirement to apply as mentioned in subsection (1), the determination shall take effect for the purposes of [<sup>F25</sup>paragraph 4 of Schedule 20 to the School Standards and Framework Act 1998 (disapplication of requirement for Christian collective worship)] on such date as may be specified in the notification of the council’s decision under subsection (3).
- (5) Before making an application under subsection (1), the head teacher of a school shall consult the governing body.
- (6) On being consulted by the head teacher, the governing body may if they think fit take such steps as they consider appropriate for consulting all persons appearing to them to be parents of registered pupils at the school.
- (7) An application under subsection (1) shall be made in such manner and form as the council may require.
- (8) Where an application is made under subsection (1)(a) in respect of [<sup>F26</sup>a community school which becomes a foundation school [<sup>F27</sup>(by virtue of the relevant enactments)]] before the application is determined, it shall, unless withdrawn by the head teacher, continue as if made under subsection (1)(b).
- [<sup>F28</sup>(9) In subsection (8) “the relevant enactments” means—
  - (a) in relation to England, sections 18 to 24 of the Education and Inspections Act 2006;
  - (b) in relation to Wales, section 35 of, and Schedule 8 to, the School Standards and Framework Act 1998.]

#### Textual Amendments

- F22** Words in s. 394(1)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 97(2)(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F23** S. 394(1)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 97(2)(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F24** Words in s. 394(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 97(2)(c)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F25** Words in s. 394(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 97(3)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F26** Words in s. 394(8) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 97(4)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F27** Words in s. 394(8) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 9(2)**; S.I. 2007/935, art. 7(o)
- F28** S. 394(9) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 9(3)**; S.I. 2007/935, art. 7(o)

### 395 Review of determinations under section 394.

- (1) Any determination by a council under section 394 by virtue of which the requirement imposed by [<sup>F29</sup>paragraph 3(2) of Schedule 20 to the School Standards and Framework



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- Act 1998] does not for the time being apply in the case of a school or a class or description of pupils at a school shall be reviewed by the council—
- (a) at any time on an application made by the head teacher, and
  - (b) in any event not later than the end of the period of five years beginning with the date on which the determination first took effect or (where it has since been reviewed under this section) with the effective date of the decision on the last review.
- (2) On any review under subsection (1)(b) the council shall give the head teacher an opportunity of making representations as to the determination under review.
  - (3) On a review under this section, the council may—
    - (a) confirm the determination, with or without variation, or
    - (b) revoke it (without prejudice to any further determination under section 394).
  - (4) The council shall give the head teacher written notification of their decision, specifying the effective date of that decision for the purposes of subsection (1)(b).
  - (5) Any determination which is required to be reviewed under subsection (1)(b) shall cease to have effect, if not confirmed on such a review, at the end of the period there mentioned.
  - (6) The head teacher of a school shall consult the governing body before making an application under subsection (1)(a) or any representations under subsection (2).
  - (7) On being consulted by the head teacher, the governing body may if they think fit take such steps as they consider appropriate for consulting all persons appearing to them to be parents of registered pupils at the school.
  - (8) An application under subsection (1)(a) shall be made in such manner and form as the council may require.

#### Textual Amendments

**F29** Words in s. 395(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.98** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

### **396 Power of Secretary of State to direct advisory council to revoke determination or discharge duty.**

- (1) Where the Secretary of State is satisfied, either on complaint by any person or otherwise, that any standing advisory council on religious education constituted by a local education authority under section 390—
  - (a) have acted, or are proposing to act, unreasonably in determining for the purposes of section 394 or 395 whether it is appropriate for the requirement imposed by [<sup>F30</sup>paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998] to apply in the case of any school or any class or description of pupils at a school, or
  - (b) have failed to discharge any duty imposed under section 394 or 395,he may give the council such directions as to the revocation of the determination, or the withdrawal of the proposed determination or (as the case may be) the discharge of the duty as appear to him to be expedient; and the council shall comply with the directions.

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- (2) Directions under subsection (1) may provide for the making by the council of a new determination to take effect in place of the determination or proposed determination to be revoked or withdrawn by them.

#### **Textual Amendments**

**F30** Words in s. 396(1)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.99** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

#### *Access to meetings and documents*

### **397 Religious education: access to meetings and documents.**

- (1) This section applies to—
- (a) any conference convened under any of paragraphs 1 to 3 of Schedule 31, and
  - (b) any standing advisory council on religious education constituted under section 390.
- (2) Regulations may make provision—
- (a) for meetings of conferences or councils to be, subject to prescribed exceptions, open to members of the public,
  - (b) requiring conferences or councils to give notice, in such manner as may be prescribed, of the time and place of such meetings, and
  - (c) requiring conferences or councils, at such time or times as may be prescribed—
    - (i) to make available for inspection, or
    - (ii) to provide on payment of such fee as they think fit (not exceeding the cost of supply),
 copies of the agendas and reports for such meetings to members of the public.
- (3) Regulations made under subsection (2) may apply to—
- (a) committees appointed by local education authorities under paragraph 4 of Schedule 31,
  - (b) sub-committees appointed by conferences under that Schedule, and
  - (c) representative groups on councils appointed under section 390(4),
- as they apply to conferences and councils.

#### *Miscellaneous*

### **398 No requirement of attendance at Sunday school etc.**

- [<sup>F31</sup>(1)] It shall not be required, as a condition of—
- (a) a pupil attending a maintained school, or
  - (b) a person attending such a school to receive further education or [<sup>F32</sup>any training for members of the school workforce] ,
- that he must attend or abstain from attending a Sunday school or a place of religious worship.

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[<sup>F33</sup>(2) In subsection (1)(b), the reference to training for members of the school workforce is to be read in accordance with sections 75(5) and 96(1) of the Education Act 2005.]

#### Textual Amendments

- F31** S. 398(1): s. 398 renumbered as s. 398(1) (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(3)(a), [Sch. 14 para. 16\(3\)](#)
- F32** Words in s. 398(b) substituted (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(3)(a), [Sch. 14 para. 16\(2\)](#)
- F33** S. 398(2) inserted (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(3)(a), [Sch. 14 para. 16\(3\)](#)

### 399 Determination of question whether religious education in accordance with trust deed.

Where any trust deed relating to [<sup>F34</sup>a foundation or voluntary school] makes provision whereby a bishop or any other ecclesiastical or denominational authority has power to decide whether the religious education given in the school which purports to be in accordance with the provisions of the trust deed does or does not accord with those provisions, that question shall be determined in accordance with the provisions of the trust deed.

#### Textual Amendments

- F34** Words in s. 399 substituted (1.9.1999) by [1998 c. 31](#), s. 140(1), [Sch. 30 para.100](#) (with ss. 138(9), 144(6)); [S.I. 1999/2323](#), art. 2(1), [Sch. 1](#)

**Status:**

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