Catholic Education Service
Since 1847

Guidance on the right of withdrawal from religious education and/or collective worship in schools in England

Note to users: As a result of The Curriculum and Assessment (Wales) Act 2021 and the introduction of the Curriculum for Wales, the parental right to withdraw a child from Religion, Values and Ethics (RVE) has been removed so this guidance does not cover schools in Wales.

References to schools in this guidance includes academies, unless stated otherwise. References to parents includes carers, where that person has parental responsibility for, or care of, the child.

What the law says

The requirement to provide Religious Education

The local authority, governing body and head teacher of voluntary aided (VA) schools must ensure that religious education is provided as part of the school's basic curriculum[1]. In VA schools with a religious character, such provision must be in accordance with the provisions of the school's trust deed[2] and instrument of government. In Catholic schools this is therefore *"in accordance with the teachings, doctrines, discipline and general and particular norms of the Catholic Church"*[3].

Academies are required by their funding agreement and Articles of Association to comply with similar requirements.[4]

The requirement to provide Collective Worship

Pupils in VA schools are required by law to take part in an act of collective worship on each school day[5] which must be in accordance with the provisions of the school's trust deed and instrument of government[6]. In Catholic schools this is therefore *"in accordance with the rites, practices, disciplines and liturgical norms of the Catholic Church"*.[7]

[1] School Standards and Framework Act 1998, s.69(1).
[2] The term 'trust deed' is defined widely: see section 579(1) of the Education Act 1996.
[3] Schools Standards and Framework Act 1998, Schedule 19, paragraph.4; Instrument of Government, clause 2.
[4] *The Mainstream Academy and Free School: Supplemental Funding Agreement* (December 2020) (in particular clause 2.W); *Academy articles of association: For use by Catholic academies* (February 2019) (in particular Article 5Ab(i)).
[5] School Standards and Framework Act 1998, s.70(1).
[6] School Standards and Framework Act 1998, Schedule 20, paragraph 5.
[7] School Standards and Framework Act 1998, Schedule 20; Instrument of Government, clause 2.

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Academies are required by their funding agreement and Articles of Association to comply with similar requirements.[8]

Whilst it is very rare that children in Catholic schools do not fully participate in the religious education curriculum and collective worship of the school[9], schools may receive a request that a pupil:

(i) be withdrawn from religious education and/or collective worship, or
(ii) receive religious education which is different to that taught at the school.

(i) The right of withdrawal from Religious Education and/or Collective Worship

Parents of pupils in VA schools and voluntary academies[10] are permitted, by law, to request that their child is withdrawn from receiving all or part of religious education[11] and/or collective worship[12] given at the school and any such request shall stand until such time that a parent's request is withdrawn.

Sixth form pupils in VA schools and voluntary academies may, on their own behalf, wholly or partly withdraw from attendance at collective worship at the school[13].

A request to withdraw can be made in relation to *all or part* of religious education and it is not necessary for the right to be exercised in relation to the whole of the religious education curriculum. Similarly, in relation to collective worship, withdrawal can be requested *in whole or in part*.

The right is to withdraw from *religious education provided as part of the school's basic curriculum*. Each request to withdraw will need to be reviewed on its own facts, but the right to request withdrawal will generally not apply in relation to elements of / references to religion covered in subjects other than in religious education, for example the singing of a hymn during a music lesson or the drawing of a religious picture in art.

What happens to the pupil if he/she is withdrawn from Religious Education and/or Collective Worship?

If pupils are withdrawn from religious education and/or collective worship, schools have a duty to supervise them, though not to provide additional teaching or to incur extra costs.

Depending on the resources available to the school, the withdrawn pupil may be moved to another venue within the school, for example, the library, or perhaps in a very small school with limited resources, the pupil may remain in the RE classroom but will not participate in the RE lesson. If the pupil is moved to another area within the school, they must be supervised.

If a pupil is withdrawn and alternative arrangements cannot be made for the type of RE the parents' desire (see below), for instance, due to resources/timetabling etc, it is the parents' responsibility to provide

[8] *The Mainstream Academy and Free School: Supplemental Funding Agreement* (December 2020) (in particular clause 2.W); *Academy articles of association: For use by Catholic academies* (February 2019) (in particular Article 5Ab(ii))
[9] The CES Census Digest 2024 records that 0.05% of pupils in Catholic schools and academies in England were withdrawn from collective worship in 2024.
[10] Paragraph 2.V of the *Mainstream academy and free school: supplemental funding agreement December 2020 v7* provides that the Academy Trust must comply with s71(1)-(6) and (8) of the School Standards and Framework Act 1988 as if the Academy were a VA school.
[11] S.71(1) School Standards and Framework Act 1998
[12] S.71(1A) School Standards and Framework Act 1998
[13] S.71(1B) School Standards and Framework Act 1998

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materials for their child which have clear outcomes and are connected to the faith/philosophy/world view of the parents.

A school is able to refuse a request that the pupil study other aspects of the curriculum during times they have been withdrawn from RE and/or collective worship as time is already given over to these subjects within the school's basic curriculum. It is important to bear in mind that the parental right to withdraw a child from RE was intended by Parliament to be a 'conscience clause' and not to be used as a general opt-out clause.

Care should be taken not to confuse a request to withdraw a child from RE and/or collective worship with a request for absence due to religious observance. The Education Act 1996 provides that a child shall not be taken to have failed to attend regularly at the school, by reason of their absence **on a day exclusively set apart for religious observance by the religious body to which their parent belongs**.[14] In that scenario, the absence should be marked as authorised, but **only** if it is in respect of such a day; where for instance the request is in relation to a regular weekly observance, then it is unlikely to fall within the requirements of the Education Act in this regard. Schools should, where necessary, seek advice from the parents' religious body about whether it has set the day apart for religious observance. Further guidance can also be found in the DfE's school attendance publication, *Working together to improve school attendance: Statutory guidance for maintained schools, academies, independent schools and local authorities* (2024).[15]

Case study 1

Jessica attends St Mary's Catholic Secondary School. Her parents, who are Jehovah's Witnesses, have expressed their wish that she is withdrawn from all of the religious education curriculum. They have asked that, whilst her peers are attending their RE lessons, she undertake work/study which is set by them, and which will seek to further Jessica's knowledge and understanding of their Jehovah's Witness beliefs and values.

The school is able to accommodate Jessica in the school library during RE lessons.

The school is responsible for supervising Jessica during this time and for monitoring that she is completing the work set by her parents, but her parents are responsible for assessing the work undertaken.

[14] S 444(3)(c) Education Act 1996 & paragraph 164 *Working together to improve school attendance: Statutory guidance for maintained schools, academies, independent schools and local authorities* (2024)

[15] In particular paragraphs 359-363.

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Case study 2

Liam attends Christ the King Academy where his parents have requested that he is withdrawn from the elements of the RE curriculum which relate to the study of Islam.

The school is unable to supervise Liam outside of the RE classroom due to lack of available and suitably qualified staff. The school advises Liam's parents that he may be withdrawn but that he must remain in the RE classroom and will only be undertaking work set by them. His parents are unhappy with this suggestion.

As the school is not required to incur any cost in accommodating a request to withdraw, the school suggests a potential solution whereby Liam's parents', or a person designated by them, attend the school site during RE lessons and supervise Liam in the school hall which is unused at that time.

(ii) Off-site provision of religious education of a kind not provided by the school

What the law says[16]

Where a pupil has been withdrawn from all or part of religious education and their parent wants them to receive religious education of a kind which is not provided at the school during the periods of withdrawal, the parent may make alternative arrangements for the pupil to receive religious education of the kind they desire, to take place off the school's premises[17]. Such an arrangement is only permitted where the local authority is satisfied that the alternative arrangements for religious education off the school site will not interfere with their attendance at school. Therefore, absence for this purpose is only permitted at the beginning or end of a school session[18].

Case Study 3

A number of Latter Day Saints pupils attend St John's Catholic Academy. In the local town there is a Church of Jesus Christ of Latter Day Saints. The parents of these pupils request that their children be allowed to go to that Church for RE. The Church has agreed to provide weekly lessons for one hour on Tuesdays at 10am. The school declines the parents' request because the time of the lessons would seriously disrupt the attendance of the pupils at the school. The Church agrees, on request by the parents, to teach RE at a more convenient time, being the last lesson on a Friday afternoon. The school agrees to the request as this is at the end of a session.

[16] Paragraph 2.V of the *Mainstream academy and free school: supplemental funding agreement December 2020 v7* provides that the Academy Trust must comply with s71(1)-(6) and (8) of the School Standards and Framework Act 1988 as if the Academy were a VA school; accordingly, the law applies equally here, as to VA schools.

[17] S.71(3) School Standards and Framework Act 1998

[18] S.71(4) School Standards and Framework Act 1998. 'School session' means each of the two sessions that make up the school day which is divided by a break. The length of the session, break and school day is determined by the governing board. Therefore, the beginning or end of a school session does not solely relate to the beginning and end of the school day but may also be the end of the session before the break or the beginning of the session after the break.

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If a child is receiving RE and/or collective worship off-site, then it is the parents' responsibility to supervise their child once they have left the school site. Depending on the particular circumstances, it may be necessary for the school to continue to ensure that all safeguarding measures are in place which may include a risk assessment covering supervision, vehicles, DBS, routes and timings.

(iii) Request for Religious Education in accordance with the Local Authority's Agreed Syllabus

What the law says[19]

A parent may request that their child receives religious education in accordance with the local authority's agreed syllabus[20]. Where the child cannot, with reasonable convenience, attend a school at which the local authority's syllabus is in use, the governing board must make arrangements for religious education in accordance with the local authority's syllabus to be given to those pupils at the school[21]. This duty to make arrangements is subject to the fact that the governing board may refuse where it is satisfied that, because of any special circumstances, it would be unreasonable to make the arrangements. In the event that the governing board is unwilling to make the arrangements referred to, they should be made by the local authority in its stead.

Case study 4

Holy Family Catholic Primary School is a small, village primary school set in a very rural location. Clara's parents have requested that she receive RE in line with the local authority's agreed syllabus. The school refuses the request as it does not have the resources, such as a separate teaching space, and any available teacher to provide RE on a one-to-one basis to a single pupil.

Case Study 5

Our Lady Catholic High School, a large secondary school, receives a request from Lily's mother that she no longer receive Catholic RE taught by the school but, instead, be taught RE in accordance with the local authority's agreed syllabus. As the school is a large school with significant financial resources, and several RE teachers who are familiar with the agreed syllabus and have enough free time to accommodate the request without disruption to their timetables, the school is able to accommodate the request.

[19] The law applies here equally to academies, as it does VA schools: paragraph 2.W (a) of the Funding Agreement provides that provision must be made for religious education to be given to all pupils at the Academy in accordance with the tenets of the Academy's specified religion or religious denomination, subject to paragraph 4 of Schedule 19 to the School Standards and Framework Act 1998 (paragraph 4 (3) dealing with the LA agreed syllabus) which applies as if the Academy were a voluntary aided school with a religious character.

[20] The RE syllabus adopted by the local authority and taught in schools in the local authority's area, not being schools which are entitled to set their own RE syllabus e.g. VA schools and voluntary academies. Usually, the local authority's agreed syllabus requires schools to teach the religious traditions in Great Britain which are, in the main Christian, while taking account of the teaching and practices of the other principal religions represented in Great Britain.

[21] Schedule 19 School Standards and Framework Act 1998, paragraph 4 (3). By virtue of paragraph 2.W (a) of the *Mainstream academy and free school: supplemental funding agreement December 2020 v7*, paragraph 4 of Schedule 19 to the School Standards and Framework Act 1998 also applies to academies.

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Case Study 6

Peter attends Bishop Challoner secondary school which is a very large inner-City secondary school. His father has requested that he be taught RE in accordance with the local authority's agreed syllabus. The school declines the request on the basis of a lack of available RE teachers. All RE teachers at the school have extremely full timetables teaching Catholic RE and do not have the capacity to teach a syllabus with which they are not familiar on a one-to-one basis.

In all cases where requests for withdrawal are made, it may be helpful to have a discussion with parents as to the logistical arrangements to be put in place in order to ensure that the pupil is appropriately supervised and in order to establish (if relevant) the basis on which any alternative RE will be provided (see 'Our Advice' below). However, it is important to note that the right to withdraw is absolute and must be unobstructed. Therefore, the withdrawal of the pupil must not be delayed whilst logistical discussions take place. A request to withdraw should be implemented straight away, and its implementation must not be conditional on any discussion having taken place.

Sources of advice and guidance

There are two main sources of advice and guidance currently available.

The first is **DFE Circular 1/94**[22] issued on 31st January 1994 which, whilst now thirty years old, remains extant and contains useful advice.

The second source of advice and guidance is the Department for Children, Schools and Families (predecessor to the DfE) **'Religious Education in English schools: Non-Statutory Guidance 2010'**[23]. This guidance sets out the responsibilities of governors and head teachers and includes a checklist for managing the right of withdrawal as well as case studies. Whilst there has not been any update to this guidance since 2010 and it was not written with academies in mind, Paragraph 2.V of the *Mainstream academy and free school: supplemental funding agreement December 2020 v7* provides that the Academy Trust must comply with s71(1)-(6) and (8) of the School Standards and Framework Act 1988 as if the Academy were a VA school, and accordingly the guidance in relation to the right of withdrawal is as applicable to academies, as it is to VA schools.

Practical Implications

The right to withdraw is specifically linked to religious education and/or collective worship. This means that care will need to be taken where the school teaches religious education in an integrated form along with other curriculum subjects, from which there is no right of withdrawal.

The 2010 guidance referred to above provides that "the right of withdrawal does not extend to other areas of the curriculum when, as may happen on occasion, spontaneous questions on religious matters are raised by pupils or there are issues related to religion that arise in other subjects such as history or

[22] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/281929/Collective_worship_in_schools.pdf

[23] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/190260/DCSF-00114-2010.pdf

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citizenship". It also provides that "where religious education is integrated in the curriculum, the school needs to discuss the arrangements with the parents or carers to explore how the child's withdrawal can be best accommodated". Whilst discussions of this nature are advisable, the right to withdraw is absolute and must be unobstructed. Therefore, the withdrawal of the pupil must not be delayed whilst these discussions take place. A request to withdraw should be implemented straight away, and implementation must not be conditional on any discussion having taken place.

In a Catholic school the expectation is that religious education and worship permeate throughout the life of the school and the whole school curriculum. Consequently, the level of integration of religious education and collective worship into the school curriculum is likely to be far greater than in community schools.

What the Catholic Church says about the teaching of Religious Education

It is important to remember that the RE curriculum in Catholic schools, which is set by the Bishops of England and Wales, always requires the teaching of other religions. Catholic schools recognise that parents have the right to seek an education which is in conformity with their own religious commitments and, as far as Catholic education is concerned, these commitments include that of educating young people about other religions as well as about Catholicism.

Where parents wish to exercise the right of withdrawal, they are not obliged to give any reasons for wishing to exercise the right, and in any discussions with parents as to the logistical arrangements to be put in place in order to accommodate a request it is important to ensure that parents do not feel pressured to discuss their own religious or philosophical beliefs. There may be times when parents have not understood the broad nature of the Catholic RE curriculum and schools may find that providing additional information about curriculum content is helpful to parents who have expressed a wish to withdraw, but parents should not be asked to justify their requests. As set out above, the right to withdraw is absolute and must be unobstructed. Discussions with parents must not delay the withdrawal of the pupil and requests to withdraw should be implemented straight away. Implementation of the request must not be conditional on any discussion having taken place.

Learning about other religions is required both by the Bishops' Conference of England and Wales, as outlined in the Religious Education Directory 2023, and by the magisterium of the Catholic Church.

The Catholic Church views the teaching of other religions as important for several reasons:

(i) Learning about the religion and cultures of those who do not share the Catholic faith is one of the ways in which Catholic schools embody the call to love one's neighbour. As the Church says, "The love for all men and women is necessarily also a love for their culture. Catholic schools are, by their very vocation, intercultural."[24]

(ii) It is required by the Bishops, who state that the Catholic nature of our schools necessitates "a willingness … to try to understand better the religion of one's neighbours, and to experience something of their religious life and culture."[25]

[24] Educating to Intercultural Dialogue in Catholic Schools, Living in Harmony for a Civilization of Love, Vatican City 2013, para 61
[25] Meeting God in Friend & Stranger, Fostering respect and mutual understanding between the religions, a teaching document of the Catholic Bishops' Conference of England and Wales, 2010 paragraph 3

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(iii) Many of the children in Catholic schools are practising members of other faiths and so Catholic schools need to be places of hospitality for these children. It is an act of respect and courtesy that a Catholic school's RE curriculum helps them to reflect on the nature of their own religious identity. As the Church says, "All children and young people [including those of other faiths in our Catholic schools] must have the same possibilities for arriving at the knowledge of their own religion as well as of elements that characterise other religions."[26]

(iv) It prepares the pupils in our Catholic schools for life in modern Britain, giving them an understanding of the beliefs of others. This in turn will improve social cohesion and contribute to the common good by increasing mutual respect between those of different religions, thereby contributing to the promotion of fundamental British Values in schools.

Our advice

In summary, parents have the absolute right to withdraw their children, in whole or in part, from the religious education curriculum and they also, as well as sixth-form pupils on their own behalf, have the right to withdraw their children, in whole or in part, from collective worship. There is no requirement to provide reasons, written or otherwise, for making such a request and the request stands until such time that it is explicitly withdrawn by the parent/sixth-form pupil. Whilst there is no requirement to revisit requests on an annual basis once they have been made, it is good practice to check-in with the parents of withdrawn pupils annually in order to obtain confirmation that they wish the withdrawal to continue.

Where a request to withdraw is received by a school, the school may wish to speak with the parent/sixth-form pupil to try to understand the basis for the request and in order to establish what it is that the parent/sixth-form pupil wishes their child/themself to be withdrawn from. Obtaining this information also enables the school to determine whether what is being requested falls within the statutory right of withdrawal.

It is important to ensure that parents/sixth-form pupils are reassured that the school understands that they wish to exercise their statutory right and that all discussions are non-judgmental. Any questions asked by the school must be an attempt to understand the religious issues about which the parent/sixth-form pupil objects in order to ensure that the curriculum provided by the school has not been misunderstood (all the while respecting the right to withdraw without providing reasons). In no circumstances should parents/sixth-form pupils feel that they are being asked to articulate their own religious or philosophical beliefs in detail, and discussions should not seek to dissuade individuals from exercising their legal rights.

Practical examples of how a school may reassure a concerned parent considering withdrawing their child may include inviting the parent to observe a religious education lesson, time of worship or visiting speaker. It should be noted that requests for withdrawal can only be acted upon when received from individual parents in respect of their own child, and not for instance, where the request comes via a group request/petition for the removal of a group of children.

Schools should seek to provide reassurance wherever possible and whilst discussions with parents and/or sixth-form pupils may provide context and assist in building relationships, it is important to remember

[26] Educating to Intercultural Dialogue in Catholic Schools, Living in Harmony for a Civilization of Love, Vatican City 2013 para 18

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that the right to withdraw is absolute and must be unobstructed. Discussions with parents/sixth-form pupils must not delay the withdrawal and requests to withdraw should be implemented straight away. Implementation of the request must not be conditional on any discussion having taken place.

When the right of withdrawal is exercised, schools must seek to ensure that there is a clear understanding about the types of activities from which the individual will be withdrawn and those which they will not (because, for example, they are curriculum subjects), the type of work the individual will undertake whilst withdrawn, and who is responsible for monitoring and assessing how the work set has been carried out. If it is not possible to come to an agreement about the exercise of the right and the logistical arrangements to be put in place, then schools should ensure that parents/sixth-form pupils are aware of their right to make a complaint following the school's published process.

Appendix

You will find below the relevant excerpts of the law referred to in this guidance.

VOLUNTARY AIDED SCHOOLS IN ENGLAND AND WALES

Requirement to provide Religious Education

Section 69(1) of the **School Standards and Framework Act 1998** (SSFA) provides:

> *'Subject to section 71, in relation to any community, foundation or voluntary school in England –*
>
> *(a) the local authority and the governing body shall exercise their functions with a view to securing, and*
> *(b) the head teacher shall secure,*
>
> *that religious education is given in accordance with the provision for such education included in the school's basic curriculum by virtue of section 80(1)(a) … of the Education Act 2002'.*

Schedule 19 of the SSFA provides, at paragraph 4 (which relates to voluntary aided schools with a religious character):

> *'The required provision for religious education in the case of pupils at the school is provision for 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 tenets of the religion or religious denomination specified in relation to the school under section 69(4)…'*

Requirement to provide Collective Worship

Section 70(1) of the SSFA provides:

> *'Subject to section 71, each pupil in attendance at a community, foundation or voluntary school shall on each school day take part in an act of collective worship'.*

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Schedule 20 of the SSFA provides, at paragraph 5:

> *'In the case of…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) the provision for that purpose is not made by such 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).'*

Education Act 1996, s.579(1) provides a wide definition of the term 'trust deed' in education law:

> ***"trust deed"** includes any instrument (other than an instrument of government) regulating the constitution of the school's governing body or the maintenance, management or conduct of the school*

Section 21(4) of the **Education Act 2002** obliges governing bodies to comply with their Instrument of Government. The **CES Model Instrument of Government for Catholic Schools** provides:

*2 The School was founded by and is part of the Catholic Church. The School is to be conducted as a Catholic School in accordance with **Canon Law and the teachings of the Catholic Church**, and in accordance with the **Trust Deed** of the [name of Diocese or Order] and in particular:*

*(a) **religious education** is to be in accordance with the **teachings, doctrines, discipline and general and particular norms of the Catholic Church**;*

*(b) **religious worship** is to be in accordance with the **rites, practices, discipline and liturgical norms of the Catholic Church***

Withdrawal from Religious Education and/or Collective Worship

Section 71 of the SSFA sets out the exceptions to the requirements above.

Section 71 (1) provides:

> *'If the parent of a pupil at a community, foundation or voluntary school in England 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[27], the pupil shall be so excused until the request is withdrawn'.*

[27] 'Religious education given at the school in accordance with the school's basic curriculum' is defined as such education given in accordance with the provisions of the Education Act 2002 in relation to the basic curriculum for every maintained school in England (section 80)).

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Section 71(1A) provides:

> *'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'.*

Section 71(1B) provides:

> *'If a sixth-form pupil[28] 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'.*

Off-site provision of religious education of a kind not provided by the school

Section 71 (3) provides:

> *'Where in accordance with subsection (1) or (1A) a pupil has been **wholly or partly** excused from receiving **religious education or from attendance at religious worship** and the local 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'.*

Section 71 (4) limits this so that:

> *'A pupil may not be withdrawn from school under subsection (3) unless the local 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'.*

Request for provision of religious education in accordance with the local authority's agreed syllabus

Schedule 19, paragraph 4 also sets out the steps the governing body must take where a parent desires their child to receive religious education in accordance with the local authority's syllabus, as opposed to the religious education syllabus of the school designated with a religious character.

> *'(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 authority, and*

[28] 'Sixth form pupil' means any pupil who has ceased to be of compulsory school age and is receiving education suitable to the requirements of pupils over compulsory school age (section 71(8) SSFA).

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(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…

(5) Any arrangements under sub-paragraph (3) shall be made by the governing body, unless the local authority are satisfied that the governing body are unwilling to make them, in which case they shall be made by the authority.

(6) Subject to sub-paragraph (3), the religious education given to pupils at the school shall be under the control of the governing body'.

ACADEMIES IN ENGLAND

The requirements to provide RE and collective worship apply, in similar terms, to academies by virtue of their funding agreement with the Secretary of State, and their Articles of Association.

DfE Model Funding Agreement, December 2020[29](numbering as for multi academy trust companies, with numbering for single academies in square brackets):

*2.U [2.48]. The Academy Trust must provide for the teaching of **religious education** and a daily act of **collective worship** at the Academy.*

*2.V [2.49]. The Academy Trust **must comply with section 71(1)-(6) and (8) of the School Standards and Framework Act 1998** as if the Academy were a community, foundation or voluntary school, and as if references to "religious education" and "religious worship" in that section were references to the religious education and religious worship provided by the Academy in accordance with clause 2.W [2.50].*

2.W [2.50]. Subject to clause 2.V [2.49], where the academy is designated with a religious character (in accordance with section 124B of the School Standards and Framework Act 1998 or further to section 6(8) of the Academies Act 2010):

*a) provision must be made for religious education to be given to all pupils at the Academy **in accordance with the tenets of the Academy's specified religion or religious denomination**. This is subject to **paragraph 4 of Schedule 19** to the School Standards and Framework Act 1998, which applies as if the Academy were a voluntary aided school with a religious character;*

[29] The Mainstream academy and free school: supplemental funding agreement (December 2020) and the Mainstream academy and free school: single funding agreement (December 2020).

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b) the Academy Trust must comply with section 70(1) of, and Schedule 20 to, the School Standards and Framework Act 1998 as if the Academy were a foundation school with a religious character or a voluntary school, and as if references to "the required collective worship" were references to collective worship in accordance with the tenets and practices of the Academy's specified religion or religious denomination;

c) the Academy Trust must ensure that the quality of religious education given to pupils at the Academy and the contents of the Academy's collective worship given in accordance with the tenets and practices of its specific religion or religious denomination are inspected. The inspection must be conducted by a person chosen by the Academy Trust, and the Academy Trust must ensure that the inspection complies with the statutory provisions and regulations which would apply if the Academy were a foundation or voluntary school designated as having a religious character.

Under Company Law, academy trust companies are obliged to conduct themselves in accordance with their Articles of Association. The **Model Articles of Association for Catholic Academies** (February 2019) provide:

kk. "Trust Deed" includes any instrument (other than the Memorandum and Articles of Association) regulating the constitution of the Company or the maintenance, management or conduct of the [Academy] [Academies], and ***includes Canon Law and any diocesan directives****;*

5A.b For any Academy or Academies established under Article 4(a):

(i) ***Religious education*** *is to be in accordance with the* ***teachings, doctrines, discipline and general and particular norms of the Catholic Church****.*

(ii) ***Religious worship*** *is to be in accordance with the* ***rites, practices, discipline and liturgical norms of the Catholic Church****.*

(iii) at all times the school is to serve as a witness to the Catholic faith in our Lord Jesus Christ.

(iv) the Company shall have regard to any advice issued by the Diocesan Bishop [and Religious Superior].

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