

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

Standing Advisory Council for Religious Education

The meeting will be held at **6.00 pm** on **17 February 2016**

Committee Room 4, Civic Offices, New Road, Grays, Essex, RM17 6SL

Membership:

Committee A: Mrs S Lawson, Free Church Christian Member
Mrs Shepherd, Roman Catholic Member
Miss A Ahmed, Muslim Member
Mr A Rashid, Muslim Member
Mr B Gill, Sikh Member
Mr A Kariyawasam, Buddhist Member
Dr O Soley, Pentecostal Member
Mr P Anderson, Free Church Representative
Vacancy, Jewish Member
Vacancy, Hindu Member

Committee B: Mr J Graham, Rev. J Guest, Mrs M Taylor and Mr D Bates - Church of England.

Committee C: Ms A Jellicoe, Ms H Gillman, Mr P Griffiths and 1 Vacancy - Teachers' Associations.

Committee D: Councillors: Yash Gupta, Martin Kerin and Tunde Ojetola - Local Authority.

Co-opted Vacancy

Agenda

Open to Public and Press

	Page
1 Apologies for Absence	
2 Minutes	5 - 8

To approve as a correct record the minutes of the Standing Advisory Council for Religious Education meeting held on 2 December 2015.

3 Items of Urgent Business

To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.

4 Declarations of Interest

5 A New Agreed Syllabus for Religious Education 2017/2022 9 - 14

6 Judicial Review R (Fox) v Secretary of State for Education [2015] EWHC 3404 15 - 22

7 Any Other Business

Queries regarding this Agenda or notification of apologies:

Please contact Kenna-Victoria Martin, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **9 February 2016**

Information for members of the public and councillors

Access to Information and Meetings

Members of the public can attend all meetings of the council and its committees and have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

Recording of meetings

This meeting may be recorded for transmission and publication on the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is to be recorded.

Members of the public not wishing any speech or address to be recorded for publication to the Internet should contact Democratic Services to discuss any concerns.

If you have any queries regarding this, please contact Democratic Services at Direct.Democracy@thurrock.gov.uk

Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

If you wish to film or photograph the proceedings of a meeting and have any special requirements or are intending to bring in large equipment please contact the Communications Team at CommunicationsTeam@thurrock.gov.uk before the meeting. The Chair of the meeting will then be consulted and their agreement sought to any specific request made.

Where members of the public use a laptop, tablet device, smart phone or similar devices to use social media, make recordings or take photographs these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

Thurrock Council Wi-Fi

Wi-Fi is available throughout the Civic Offices. You can access Wi-Fi on your device by simply turning on the Wi-Fi on your laptop, Smartphone or tablet.

- You should connect to TBC-CIVIC
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
- A Terms & Conditions page should appear and you have to accept these before you can begin using Wi-Fi. Some devices require you to access your browser to bring up the Terms & Conditions page, which you must accept.

The ICT department can offer support for council owned devices only.

Evacuation Procedures

In the case of an emergency, you should evacuate the building using the nearest available exit and congregate at the assembly point at Kings Walk.

How to view this agenda on a tablet device



You can view the agenda on your [iPad](#), [Android Device](#) or [Blackberry Playbook](#) with the free modern.gov app.

Members of the Council should ensure that their device is sufficiently charged, although a limited number of charging points will be available in Members Services.

To view any “exempt” information that may be included on the agenda for this meeting, Councillors should:

- Access the modern.gov app
- Enter your username and password

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Vision: Thurrock: A place of **opportunity**, **enterprise** and **excellence**, where **individuals**, **communities** and **businesses** flourish.

To achieve our vision, we have identified five strategic priorities:

1. Create a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

2. Encourage and promote job creation and economic prosperity

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

3. Build pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

4. Improve health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

5. Promote and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

Minutes of the Meeting of the Standing Advisory Council for Religious Education held on 2 December 2015 at 6.00 pm

Present:

- Committee A:** Mrs M Shepherd, Roman Catholic Member
- Committee B:** Rev. J Guest
- Committee C:** Ms H Gilman (Left at 7.48pm)
- Committee D:** Councillors Yash Gupta and Tunde Ojetola (Arrived at 6.30pm)

Apologies: Mrs S Lawson Mr P Anderson, Mr D Bates, Mr P Griffiths, Ms A Jellicoe, Ms N Fawell and Councillor Kerin.

In Attendance:

Roger Edwardson, Strategic Lead, School Improvement and Skills
Fiona Moss , RE Today
Deborah Weston, Associate Adviser for Religious Education
Kenna-Victoria Martin, Senior Democratic Services Officer

13. Minutes

The Minutes from the previous meeting held on 14 October 2015 were approved as a correct record.

14. Items of Urgent Business

There were no items of urgent business.

15. Declarations of Interest

There were no interests declared.

16. Thurrock SACRE - Reviewing the Agreed Syllabus for Religious Education in Thurrock

The Chair of Council welcomed Fiona Moss from RE Today to the meeting; he continued by informing those present that he had heard on the Sunday Programme a discussion on the need to change the name of 'Religious Education'.

Associate Adviser for Religious Education advised Members that the item followed from the spring meeting; where they discussed the agreed syllabus and the options of updating it. Members were informed that they had potentially three options, to amend the current Thurrock agreed syllabus, to adopt another authority or to readopt the syllabus.

Ms Moss addressed the Council explaining that the last local agreed syllabus was in 2011 in Bedfordshire. She continued to inform members that there was now the model syllabus which was written by the advisers at RE today and included units of work for teachers to help them with teaching Religious Education.

Members were informed that they would be taken through two new syllabuses the modal syllabus and the Havering and Redbridge syllabus which were written by D. Weston.

The Council were advised that the model syllabus had been written to allow local authorities to adopt it and tweak it to suit what they would like to be taught within each local school. Members were further advised that the syllabus provided units of work, which assisted teachers when writing their teaching plans.

It commented that both syllabuses contained 'the purpose of RE' and Members discussed the importance of including aims within a syllabus, it was confirmed that within the Thurrock Syllabus aims were included and Members stated they wish for them to stay.

The topic of non-religious views was raised during which it was commented that schools teach World Views at GCSE level rather than religious views. The Chair of the Council enquired if Ms Moss came across people within her work with RE Today who were not religious, however believed in God. Ms Moss confirmed that she did, but she would say they were spiritualists.

During the discussion Members sought as to how many people actually understood what the word religion meant. It was stated that 25% of the population understood what religion was and 17% of people were non-religious however believed in God.

Ms Moss informed Members that both the model syllabus and the Havering and Redbridge syllabus had a 12 step guide for teachers teaching RE on how to use and implement the syllabus of their choice; both also included legislation and rulings for guidance.

The Strategic Lead, School Improvement and Skills stated that Thurrock had 52 schools which were a mixture of Local Authority schools and Academies. He continued that of the schools in borough 15 were maintained schools and of the 15, 3 were Catholic and 5 were Church of England; it was asked for clarification as to who had to follow the Local Authorises syllabus and who would have to write their own.

The Associate Adviser for Religious Education advised that the Local Authority had a statutory duty to provide a RE Syllabus for all 15 Maintained schools apart from the Catholic schools as they followed a separate syllabus. Members were further advised the 80% of the schools in the borough followed the Local Authorises RE syllabus.

Councillor Ojetola enquired as to whether the Academies in Thurrock had been encouraged to buy into the agreed syllabus. Members of SACRE were informed that as yet the academies had not been contacted regarding the syllabus; however they could be subject to a service agreement.

Ms Moss referred back to the model syllabus explaining that at KS1 children were to be taught Christianity and one religion within their local area. By the end of Primary School teachers are expected to have taught a minimum of 6 different religions.

Members were informed that teachers were given guidance throughout each syllabus with steps to assist with planning classes, it was commented that in April 2016 units of work were to be introduced to further help teachers of Religious Education if it was required.

Mrs Shepherd stated that teachers are grateful and appreciative for all information and guidance offered to them.

Ms Gilman welcomed any help and support offered to teachers teaching Religious Education. She continued by commenting anything which helped to improve the subject and the delivery of the subject would be worth it.

Ms Moss summed up by apprising Members of the end of key stage outcomes:

- End of Key Stage 1, children should be able to know and explain the key beliefs of more than one religious group;
- End of key Stage 3, children should know in depth Christianity and its way of living.

Councillor Gupta commented that children needed a greater understanding of different religions and the similarity of religions. He stated that classes of Religious Education should inspire young people.

The Chair thanked Ms Moss for her work and for attending the meeting to explain the model syllabus to the Standing Advisory Council for Religious Education.

17. Any Other Business

There was no other business discussed; however the Chair of SACRE asked for clarification of the next meeting date. The Clerk confirmed the next meeting would be held on Wednesday 17 February 2016.

The meeting finished at 8.00pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**

17 February 2016	ITEM: 5
Standing Advisory Council on Religious Education Agreed Syllabus Conference	
A New Agreed Syllabus for Religious Education 2017/2022	
Wards and communities affected: All	Key Decision: Non-Key
Report of: Deborah Weston: Associate Adviser for Religious Education	
Accountable Head of Service: – Strategic Lead, School Improvement, Learning and Skills	
Accountable Director: - Director of Children’s Services	
This report is Public	

Executive Summary

At the last meeting of Thurrock SACRE, it was resolved that an Agreed Syllabus Conference would be convened on the next scheduled date for SACRE; Wednesday, 17th February 2016. At this meeting the conference would consider a proposal to adopt the RE Today model syllabus for recommendation to Thurrock Council.

1. Recommendation(s) that SACRE:

That SACRE:

1.1 Convene an Agreed Syllabus Conference

That the Agreed Syllabus Conference:

1.2 Vote on the proposal to adopt the RE Today Model Syllabus

2. Introduction and Background

Every LA is required to establish and support an occasional body called an agreed syllabus conference (ASC)

An ASC must:

- produce and recommend to the LA an agreed syllabus for RE which is educationally sound and meets legal requirements

- with any sub-committee it may appoint,¹ meet in public, subject to exceptions in relation to confidentiality²
- unanimously recommend a syllabus for adoption by the LA (each committee having a single vote) - there are provisions for the Secretary of State to become involved where an ASC is not unanimous³
- include on any sub-committee at least one member of each of its constituent committees.

An ASC may specify what must be taught through the locally agreed syllabus. In recommending a syllabus the ASC may not specify the amount of curriculum time that must be allocated to RE by schools, but they may provide an estimate of how much time their syllabus would require, to help schools to plan their timetable.

Membership of an ASC

An ASC is required to be made up of four committees⁴

- Committee A – Christian denominations and such other religions and religious denominations as, in the opinion of the LA, will appropriately reflect the principal religious traditions in the area;
- Committee B - the Church of England
- Committee C - teacher associations
- Committee D - the LA.

There is no legal provision for an ASC to include co-opted members, but it can seek the advice it considers appropriate from those it considers appropriate, to inform the development of effective RE provision in its area.

3. Issues, Options and Analysis of Options

SACRE made a request at the last meeting that the adviser consult with teachers over the proposal to adopt the RE Today Agreed Syllabus. Four responses were received to this consultation. These are reported in Appendix 1

4. Reasons for Recommendation

- 4.1 Having considered a number of different options for the new Agreed Syllabus, the consensus, supported by a sample of teachers and a governor, is that the RE Today model syllabus is the best option for Thurrock

¹ Schedule 31(6), Education Act 1996

² Regulation 3, S1 1994/1304

³ Schedule 31(10), Education Act 1996

⁴ Section 390(2) Education Act 1996; Schedule 31, para 4, Education Act 1996

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 Not applicable

6. Impact on corporate policies, priorities, performance and community impact

6.1 Not applicable

7. Implications

7.1 Financial

Implications verified by: **Shaj Sivadasan**
Financial Implications

The schools are responsible for meeting any costs associated with implementing changes to the curriculum, and these will have to be met from their existing Individual Schools Budgets.

7.2 Legal

Implications verified by: **Lucinda Bell**
Education Lawyer

This report asks SACRE to convene the conference as required by law. Details of the statutory framework are referenced as foot notes.

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Community Development & Equalities Manager

The implications of this report are that raising standards in religious education in Thurrock will help students to gain more understanding of the religion or belief of people in the local and national community and therefore improve community cohesion.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

- Not applicable

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Not applicable

9. **Appendices to the report**

- Appendix 1 - Responses to consultation on Model Syllabus proposal

Report Author:

Deborah Weston

Associate Adviser for RE

Appendix 1 - Responses to consultation on Model Syllabus proposal

1. Janet Colson, Woodside Academy

The R.E. Today Agreed Syllabus looks good. Really like the example KS2 Programme of Study in the presentation - looks easy to use and adapt for class teachers who are non R.E. specialists! Ideal.

2. Maggie Earl, RE Lead: Bulphan Primary

I have looked at another L.A's Syllabus mentioned in the presentation, specifically a Key Stage 1 lesson plan and yes, it is much more detailed than the present so overall my comment would be - yes I like the R.E Today Agreed Syllabus, please can it be put in place for September 2016?

3. Janet McCheyne, Chair of Governors at Bulphan School, a foundation governor (ex-officio) and also governor with responsibility for RE

I have read through the presentation, and agree with one of the posted comments: much better than the previous one!

I think a standard approach which has been developed nationally, but can include local context, is the way forward.

4. Libby Line, Department Leader of RSE and Intervention Leader William Edwards School

Having read the presentation and from what I know about RE Today, I think adopting their syllabus sounds like a very sensible idea. I am the RE Department Leader in an Academy and would definitely be looking at using the one provided.

This page is intentionally left blank

17 February 2016	ITEM: 6
Standing Advisory Council on Religious Education	
Judicial Review : R (Fox) v Secretary of State for Education [2015] EWHC 3404	
Wards and communities affected: All	Key Decision: Non-Key
Report of: Deborah Weston, Associate Adviser for Religious Education	
Accountable Head of Service: – Roger Edwardson, Strategic Lead, School Improvement, Learning and Skills	
Accountable Director: - David Archibald, Director of Children’s Services	
This report is Public	

Executive Summary

On 27th November 2015, a judicial review was held in the High Court of Justice following a challenge to the legality of the Department for Education's GCSE Subject Content for Religious Studies. In his judgment¹, Justice Warby upheld the claim that the following section of the content contained an error of law.

"By setting out the range of subject content and areas of study for GCSE specifications in religious studies, the subject content is consistent with the requirements for the statutory provision for religious education in current legislation as it applies to different types of school."

The judge found that this section of the content might mislead those responsible for the provision for RE in schools without a religious character into believing that irrespective of which specification they chose or route through that specification they would automatically be fulfilling their legal requirements in relation to Religious Education and that this was not necessarily true.

The Secretary of State responded to this judgment by publishing a “Guidance for schools and awarding organisations about the Religious Studies GCSE” on 28th December 2015.

In this guidance note (see appendix A), the Department of Education state, “this was not how the paragraph was ever intended to be read. We intended it simply to reflect that the subject content is not incompatible with those statutory responsibilities and may act as a possible element in complying with those responsibilities.”²

¹ <https://www.judiciary.gov.uk/wp-content/uploads/2015/11/r-fox-v-ssfe.pdf>

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/488477/RS_guidance.pdf

The implications of this judgment for schools in Thurrock are that they must carefully consider their GCSE offer and ensure that students at Key Stage 4 are informed about non-religious worldviews.

In addition, Justice Warby made a number of other comments about European and domestic legislation in relation to Religious Education in schools without a religious character. These comments may need to be considered by those responsible for designing the RE provision, especially as there appears to be some different interpretations about the implications of the judgment for schools.

1. Recommendation(s) that SACRE:

1.1 That SACRE consider the report on this case and the Secretary of State's response in order to determine the implications for Religious Education in Thurrock

2. Introduction and Background

Paul Greatorex of 11KBW's Education Practice Group provides the following analysis of the case:

<http://www.education11kbw.com/2015/11/27/religious-education-and-state-impartiality/>

Religious education and state impartiality

November 27th, 2015

In *R (Fox) v Secretary of State for Education* [2015] EWHC 3404 (Admin), Warby J held that guidance issued by the Secretary of State for Education was unlawful because it contained a statement (referred to in the judgment as “the Assertion”) that delivery of Religious Studies GCSE content consistent with subject content prescribed by the Secretary of State would in all cases fulfil the state’s legal obligations with regard to religious education. In fact, the judge held, relying exclusively on such GCSEs could be enough to meet those obligations but would not necessarily be so and some additional educational provision may be required.

For such an esoteric conclusion, the case got a surprising amount of coverage in the mainstream media (see here) but this probably reflects the high levels of interest and sensitivity surrounding the role of religion in schools. Leaving the headlines aside, the judgment repays consideration for its analysis of the law governing the teaching of, and curriculum-setting for, religious education in schools and academies. It is important to note, however, that the position in faith schools and academies is different: see [82].

So far as domestic law is concerned, the judgment reminds us at [17] that section 375 of the Education Act 1996 requires religious education to be taught according to an “agreed syllabus” which must “reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking account of the teaching and practice of the principal religions represented in

Great Britain”. At [69] is a reminder of the 2011 Census results underpinning this, which show that 59.3% of people answered the question “what is your religion?” by saying “Christian”. (At [77] some other answers that were given are recorded – none (25.1%), no answer (7.2%), Muslim (4.8%) and Buddhist (0.4%)).

The process by which the agreed syllabus is drawn up by the Agreed Syllabus Conference (ASC) and subject to ministerial control is explained at [15-19].

Crucially, the judge then considered Article 9 and Article 2 of Protocol 1 of the European Convention of Human Rights and the (almost exclusively Strasbourg) case law in this area. The judge said at [39] that the jurisprudence established the following propositions:

- In carrying out its educational functions the state owes parents a positive duty to respect their religious and philosophical convictions.
- The state has considerable latitude in deciding exactly how that duty should be performed, having regard among other things to available resources, local conditions and, in particular, the preponderance in its society of particular religious views, and their place in the tradition of the country.
- As such, the state may legitimately give priority to imparting knowledge of one religion above others, where that religion is practised or adhered to by a majority in society, but the state has a duty to take care that information or knowledge included in the curriculum is conveyed in a pluralistic manner
- Subject to certain threshold requirements, the state must accord equal respect to different religious convictions, and to non-religious beliefs, it is not entitled to discriminate between religions and beliefs on a qualitative basis and its duties must be performed from a standpoint of neutrality and impartiality as regards the quality and validity of parents’ convictions.
- The judgment does not record any consideration of (or even submissions on) section 2(1) of the Human Rights Act 1998 and the extent to which this Strasbourg case-law should be followed, which is perhaps surprising given the current debate (both judicial and political) on this point, and it was on the basis of the ECHR and Strasbourg case law that the claim succeeded.

At [74] the judge said there was no problem with section 375 and suggested the state’s duty is best described as “due impartiality”, but went on to identify the problem in this case as follows:

“74...The complete exclusion of any study of non-religious beliefs for the whole of Key Stage 4...would not in my judgment be compatible with A2P1”
[See additional comments on this paragraph by DW below)

75. It is not of itself unlawful to permit an RS GCSE to be created which is wholly devoted to the study of religion. That is not the claimant’s case. But The Assertion tells its readers that such a GCSE will fulfil the entirety of the state’s RE duties...[T]his is a proposition that is likely in practice to be accepted and acted upon by ASCs and schools. The Assertion thus represents guidance under challenge wrongly suggested that the provision of

such a GCSE would in and of itself meet the state's obligations with regard to religious education.”

Also of interest is how the judge dealt with two other points which arose, about looking at a child's education more widely than just their GCSE years, and the parental right in section 71 of the SSFA 1998 to withdraw a child from RE:

“78. I have not overlooked [the Secretary of State's] submission that the two years of Key stage 4 should not be considered in isolation, but within the context of the RE curriculum as a whole. I accept the point, but it is obvious that GCSE is a vitally important stage in the development of a young person's character and understanding of the world. I do not consider it could be said that a complete or almost total failure to provide information about non-religious beliefs at this stage could be made up for by instruction given at earlier stages. Nor do I overlook [the Secretary of State's] final point: that if it turns out that the schools attended by the Children adopt a GCSE specification as the entirety of RE provision at Key stage 4, and the Parents do not want this form of RE for their children, they have the unqualified right to have their Children excused from that education. This point fails on the ground identified above: it would deprive the Parents and Children of rights they enjoy, which the state is bound to deliver. [See additional comments on this paragraph by DW below]

79. This is not to say that the state is obliged to provide a particular form of teaching, dictated by the Parents. It is to say that an opt-out is not an adequate substitute for the provision of an educational programme which accords the Parents their right to respect for their convictions. The need to withdraw a Child would be a manifestation of the lack of pluralism in question.”

Additional Comments on paragraph 74

The full text of paragraph 74 is as follows and is relied on in the DfE's guidance bullet point 4:

The Strasbourg jurisprudence shows that the duty of impartiality and neutrality owed by the state do not require equal air-time to be given to all shades of belief or conviction. An RE syllabus can quite properly reflect the relative importance of different viewpoints within the relevant society. The same would seem to follow for a region or locality. The duty might therefore be described as one of “due” impartiality. No criticism can be or is made therefore of s 375(3) of the 1996 Act. In addition, of course, a generous latitude must be allowed to the decision-maker as to how that works out in practical terms. But the complete exclusion of any study of nonreligious beliefs for the whole of Key Stage 4, for which the Subject Content would allow, would not in my judgment be compatible with A2P1.

This final sentence appears to be at odds with the DfE Guidance bullet point 5

Additional comments on paragraph 78

In this paragraph the judge reminds readers that non-religious worldviews must be taught at Key Stage 4 and that it is not permissible to justify ignoring them at this key stage on the basis that non-religious views are taught in other key stages. Again this statement appears to be at odds with DfE Guidance bullet point 5.

3. Issues, Options and Analysis of Options

Depending on the outcomes of SACRE discussions, they may choose to:

1. take no action
2. seek further legal advice
3. write to schools to alert them to the implications of this case.

4. Reasons for Recommendation

- 4.1 SACRE has a legal responsibility to advise schools on Religious Education to be given in accordance with its Agreed Syllabus. This judgment appears to have a direct bearing on Religious Education in schools and SACRE must therefore consider its response.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Not applicable

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 Not applicable

7. Implications

7.1 Financial

Implications verified by: **Shaj Sivadasan**
Financial Implications

This report sets out the impact of the recent judicial review on the curriculum for Religious Education. Any costs associated with further legal advice will have to be contained within existing budgets. The schools are responsible for meeting any costs associated with implementing changes to the curriculum, and these will have to be met from their existing Individual Schools Budgets.

7.2 Legal

Implications verified by: **Lucinda Bell**
Education Lawyer

SACRE's attention is drawn to this case for consideration

7.3 Diversity and Equality

Implications verified by: **Natalie Warren.**
**Community Development & Equalities
Manager**

The implications of this report are that raising standards in religious education in Thurrock will help students to gain more understanding of the religion or belief of people in the local and national community and therefore improve community cohesion.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

- Not applicable

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Not applicable

9. Appendices to the report

- Appendix 1 – Guidance for Schools and awarding organisations about the Religious Studies GCSE

Report Author:

Deborah Weston

Associate Adviser for RE

Appendix 1 - Guidance for Schools and awarding organisations about the Religious Studies GCSE



Guidance for schools and awarding organisations about the Religious Studies GCSE

The Department for Education's view has always been that schools should be free to determine their own approach to the teaching of RE, in line with the statutory requirements.

Following a recent Judicial Review of the Religious Studies GCSE, the Administrative Court found against the Department for Education on a narrow, technical point.

This does not affect how schools are teaching religious education.

The Government considers the judgment to have no broader impact on any aspect of its policy in relation to the RE curriculum or the RS GCSE subject content for schools with or without a religious character, nor on the current inspection arrangements.

Specifically, the Government's policy remains that:

- Schools and Agreed Syllabus Conferences (ASCs) should be free to determine their own approach to the teaching of RE and the selection of the appropriate RS GCSE.
- There is no requirement for an individual school's curriculum to mirror the make-up of the national or local population, curriculums should continue to be locally determined.
- Schools and ASCs are at liberty to use a range of relevant factors to determine their RE curriculum, including the intellectual rigour it presents and its role in supporting pupils' development as world citizens.
- There is no obligation for any school or ASC to give equal air time to the teaching of religious and non-religious views.
- Curriculum balance (and, therefore, compliance with statutory requirements) can be achieved across the key stages. There is no obligation on any school to cover the teaching of non-religious world views (or any other particular aspect of the RE curriculum) in key stage 4 specifically. Rather it is for schools and ASCs to determine how they meet their wider obligations across the key stages.
- Schools are, therefore, not obliged to choose a GCSE specification that meets the entirety of their wider obligations, as long as they are satisfied that they will meet them through their RE curriculum across the key stages.
- For schools without a religious character, the RE curriculum needs to 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 Britain¹

¹ S375 Education Act 1996

The judgement identifies a technical, legal concern with paragraph 2 of the introduction to the Religious Studies (RS) GCSE subject content:

"By setting out the range of subject content and areas of study for GCSE specifications in religious studies, the subject content is consistent with the requirements for the statutory provision of religious education in current legislation as it applies to different types of school."

The Court concluded that this amounted to an assurance to all schools without a religious character that they could always wholly rely on any and all possible routes through the RS GCSE to ensure compliance with their statutory responsibilities.²

This was not how the paragraph was ever intended to be read. We intended it simply to reflect that the subject content is not incompatible with those statutory responsibilities and may act as a possible element in complying with those responsibilities³.

Paragraph 2 is now to be understood and applied in the sense set out in the previous two paragraphs.

The Government's clear view is that schools following this approach will be fully in line with their statutory requirements.

© Crown copyright 2015

² Including Article 2, Protocol No. 1 of the European Convention on Human Rights

³ The subject content serves as guidance for Awarding Organisations (AOs) intending to develop GCSE specifications in RS. In complying with the guidance, AOs must make decisions as to the precise make up of those specifications, including the mandatory elements of the RS GCSE subject content; and having regard to the non-mandatory matters set out in it. It is for schools to make decisions about their religious education (RE curriculum) and the role the GCSE plays in that curriculum.