

Religious Education: What does the legislation require?

Religious Education (RE) is an entitlement for all registered pupils on the school roll, including Reception and Sixth Form, unless they have been withdrawn from the RE curriculum by their parents.

RE is the academic study of religious and non-religious worldviews. In Church of England schools, there is an expectation that at least 50% of the RE curriculum will engage with Christian worldviews. RE in *all schools* in England must reflect the fact that “the religious traditions of Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in Great Britain” (Section 375(3) of the Education Act 1996).

RE **is not** a form of proselytization in Church of England schools; there is no expectation that any pupil studying or teacher teaching RE comes from a Christian background, or that RE is a form of religious instruction.

If a parent wishes to withdraw their child(ren) from RE, the [School Standards Framework 1998 Act \(Section 71\)](#) states that:

If the parent requests that their child is excused—

- (a) from receiving religious education given in the school in accordance with the school’s basic curriculum,*
- (b) from attendance at religious worship in the school, or*
- (c) both from receiving such education and from such attendance, the pupil shall be so excused until the request is withdrawn.*

If the parent wishes to withdraw their child from RE in order to provide an alternative form of RE that reflects their own background/wishes, then:

The pupil may be withdrawn from the school during such periods of time as are reasonably necessary for the purpose of enabling him to receive religious education, but the local education authority must be 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*

If this is the case, then:

A pupil may not be withdrawn from school unless the local education authority are satisfied that the arrangements will not interfere with the attendance of the pupil at school on any day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.

The section goes onto say:

Arrangements may provide for making facilities for such education or worship available on the school premises, but any expenditure entailed by the arrangements shall not be met from the school's budget share or otherwise by the local education authority.

The [2025 Supreme Court judgement \(JR87\)](#) recognises that parents who wish to withdraw their child(ren) from RE must not encounter any burden in so doing. This includes the expectation that a parent should attend a meeting or have a formal conversation with school leaders before their child(ren) can be withdrawn from RE.

What RE Syllabus Should Our School Use?

RE is designated differently for different types of schools.

Voluntary controlled schools, including voluntary controlled church schools, must base the RE curriculum on the locally agreed syllabus for RE. The locally agreed syllabus for RE is produced by the local authority.

In **voluntary aided** church schools, the governing board designates the RE curriculum. The governing board can choose to base the RE curriculum on a locally agreed syllabus for RE, but they do not have to do so.

In **academies**, the requirement to include RE as part of the broad and balanced curriculum is included in the academy funding agreement. For all academies, there is a requirement that RE must be taught to all pupils in full-time education and that it must meet the same requirements a locally agreed syllabus must meet, that is, the fact that “the religious traditions of Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in Great Britain” (Section 375(3) of the Education Act 1996). However, academies do not have to base the RE curriculum on a locally agreed syllabus.

Other Key Points

- Religious Education is distinctive from collective worship and is not a form of Christian proselytization or faith formation.
- Although parents have the inalienable legal right to withdraw their child(ren) either wholly or partially from the RE curriculum, pupils may encounter learning about religious and non-religious worldviews in other curriculum areas from which a parent cannot withdraw their child (e.g. History or Citizenship).
- School leaders have a legal duty to actively promote ‘British Values’ in school, one of which is ‘the mutual respect and tolerance of those with different faiths and beliefs’;

the RE curriculum is one place in which this can be done, but it is not the sole responsibility of the RE curriculum to fulfil this duty.

- The Department for Education has published non-statutory guidance on RE; this can be found [here](#).
- Church of England schools and academies are expected to meet the expectations set down in the [Statement of Entitlement](#); this document is used as the basis of the inspection of RE under Section 48 (SIAMS inspection).
- The RE Council of England and Wales has produced the [National Content Standard for RE](#) (2023); this document is endorsed by the Church of England and is recommended as the basis for a potential National Curriculum for RE (*see the recommendations of the National Curriculum and Assessment Review 2025*).
- Ofsted have provided an evidence base for best practice in RE in the [2021 Ofsted RE Research Review](#) and [2024 Ofsted RE Subject Report](#).

Church of England Schools and Christian Distinctiveness

The Trust Deed of church schools will include a form of words that indicates that the education provided must be in accordance with the principles of Church of England; this includes, but is not exclusive to, RE. Church schools will have the RE curriculum and quality of education in RE inspected dependent on their legal status:

- In voluntary controlled schools and academies that were formerly voluntary controlled, Ofsted can inspect the quality of education in RE. The effectiveness of the RE curriculum will be inspected by SIAMS.
- In voluntary aided schools and academies that were formerly voluntary aided, Ofsted will not inspect the quality of education in RE. The effectiveness of the RE curriculum and the quality of teaching and learning in RE will be inspected by SIAMS.

If you have any further questions or would like support in developing RE in your school, please don't hesitate to contact Gillian Georgiou (Diocesan RE Adviser) on gillian.georgiou@lincoln.anglican.org.