

## **Reserved Teachers in Church of England Voluntary Controlled/Foundation Schools and Academies**

**This paper reminds schools on the requirement to appoint Reserved Teachers in Church of England Voluntary Controlled/Foundation Schools and in Academies that have converted from such schools. It is extremely important that relevant schools and academies take note of this advice and undertake the recommended actions.**

### **What is a Reserved Teacher?**

1. Section 58 of the School Standards and Framework Act 1998 requires the appointment in Voluntary controlled (VC) schools of teachers who are able to provide religious education in accordance with the requirements of the Trust Deed of the school or in accordance with the tenets of the relevant religion or denomination.
2. Where the number of teachers at a foundation or voluntary-controlled school with a religious character is more than two, the teachers must include persons who are selected for their fitness and competence to teach religious education in accordance with the school's trust deed or with the tenets of the school's religion and are specifically appointed to do so.
3. These teachers are called Reserved Teachers.

### **What is denominational religious education?**

4. There is no definition in the Act of denominational religious education but in practice it means any religious education provided in accordance with the requirements of the Trust Deed of the school and that is not the Locally Agreed Syllabus. Reserved Teachers may of course teach the Agreed Syllabus but that is not the purpose of their status.

### **Why is the provision of denominational religious education required?**

4. Because parents have the right to request it. The norm in VC Church of England schools is that RE is provided according to the Locally Agreed Syllabus. Reserved Teachers are not needed for this. However, parents may request denominational religious education and the governing body must make it available. Reserved Teachers are appointed in order that suitable persons are available should parents request this provision.

5. It is also important that VC schools ensure that denominational RE can be provided where requested because they will often be required to do so by their Trust Deed. The school will be breaking its trust if it does not make such arrangements.

### **The appointment of Reserved Teachers**

6. The appointment of Reserved Teachers is not optional: nor does a school have to wait until a request for denominational education is made before appointing Reserved Teachers. On the contrary, Reserved Teachers must always be there in readiness.

7. The number of reserved teachers must be at least two but not exceed one fifth of the total number of teachers including the head teacher. The head teacher can be selected but must count towards the one fifth quota. In primary schools it will often be the RE coordinator and the Headteacher.

8. Foundation governors have a key role in the appointment and dismissal of Reserved Teachers. They must approve the appointments and may require dismissal. The foundation governors can (and indeed must) insist that there be at least two Reserved Teachers. It is for the governing body to decide whether there should be more and whether it wishes the Headteacher also to have this role.

9. Reserved Teachers are appointed using the same criteria as those used for teaching staff in a Voluntary Aided (VA) school. Hence full account may be taken of religious belief and practice, as is appropriate for these key posts. The appointment of Reserved Teachers (especially if these include the Headteacher) can materially strengthen the Church of England character and ethos of VC schools through the appointment of staff who are fully supportive of the school's religious tradition and have a personal involvement in it.

#### **What about Academies?**

10. The Government has taken the view that when a church school converts into an academy it must largely replicate the governance and employment characteristics it had before conversion. Hence a VC school that becomes an academy is also required to appoint Reserved Teachers and should ensure that it does so. There must be at least two and may be up to one fifth of the total staff. The foundation governors and the foundation members of such academies have a duty to see that this is carried out.

#### **What if we don't have any Reserved Teachers at the moment?**

11. Be in no doubt that you are breaking the law. The appointment of Reserved Teachers is not optional. Both schools and relevant academies should therefore take urgent steps to remedy the situation.

12. Foundation governors in VC schools and in addition the foundation members in ex-VC academies have a duty to ensure that Reserved Teachers are appointed. Governing bodies may not refuse to make such appointments and neither may Local Authorities in situations where they are the employer.

13. In practice, if there are currently no Reserved Teachers then there are two courses of action which need to be undertaken:

(a) The governing body should offer appointment as Reserved Teachers to any suitable existing members of staff who would be willing to accept the role. Such staff must be interviewed appropriately and the foundation governors must give specific and individual agreement to each appointment. This offer can also be made to the Headteacher, subject to interview, to suitability and

to the agreement of the foundation governors. Note that no pressure may be used. This can only be an entirely voluntary matter. Do not appoint candidates unless they really meet the criteria.

(b) The governing body should include Reserved Teacher status in any teaching post advertisements that rise until enough have been appointed. It would probably not be appropriate to restrict candidates for what might otherwise be a general teaching post by imposing Reserved Teacher status as a condition. However, it should be there as a preferred option. Should the post of Headteacher become vacant then this may be advertised as requiring in addition Reserved Teacher status as this will materially strengthen the ability of the governing body to select a candidate fully able to support and develop the religious character of the school.

14. The governing body should publish their names of their Reserved Teachers on the school website. The Reserved Teacher responsibility could be identified alongside other responsibilities on the staff page of the website.

15. For further assistance, please contact the Diocesan Deputy Director of Education, Paul Thompson at [paul.thompson@lincoln.anglican.org](mailto:paul.thompson@lincoln.anglican.org)

This document was informed by the following guidance documents:

- Staffing and employment advice for schools Departmental advice for school leaders, governing bodies, academy trusts and local authorities (DFE, October 2018)
- BRIEFING PAPER Number 06972, 20 December 2019 Faith Schools in England: FAQs
- The National Society Guidance for Reserved Teachers in VC/Foundation Schools (March 2011)

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