
RELIGION IN SCHOOLS

A guide for non-religious parents
and young people in England

ABOUT HUMANISTS UK

At Humanists UK, we want a tolerant world where rational thinking and kindness prevail. We work to support lasting change for a better society, championing ideas for the one life we have. We do this because we're humanists, people who shape our own lives in the here and now, because we believe it's the only life we get.

Our work helps people be happier and more fulfilled, and by bringing non-religious people together we help them develop their own views and an understanding of the world around them. We're committed to putting humanism into practice. Through our ceremonies, pastoral support, education services, and campaigning work, we advance free thinking and freedom of choice so everyone can live in a fair and equal society.

Humanists UK has a long history of work in education, children's rights, and equality, with expertise in the 'religion or belief' strand. We have been involved in policy development around the school and the curriculum for over 60 years. We also provide materials and advice to parents, governors, students, teachers, and academics, for example through understandinghumanism.org.uk, and our school volunteers programme.

Humanists UK is an active member of many organisations working in education, including the Religious Education Council of England and Wales (REC), Sex Education Forum (SEF), the PSHE Association, and the Children's Rights Alliance for England (CRAE).



FOREWORD

This guide is intended to help non-religious parents and young people to understand their rights and the law as it relates to religion and belief in schools.

The place of religion and belief in the education system of England is incredibly complex, and largely dates to a time when our society was much less diverse, and much less non-religious, than it is now. Well over two-thirds of young people in Britain state that they do not belong to any religion, and over half of the population as a whole now say they are non-religious.

If anything, however, the system has become more open to religious influence as the years have gone by, and religious groups have been given increasing power to control state-funded schools.

It has therefore never been more important for both non-religious people and people who, regardless of their beliefs, support a secular education system, to fully understand their rights. It is our hope that this guide will help you to do that and will enable you to be confident in challenging unlawful or discriminatory practice in faith schools or otherwise.



For our part, we will continue to challenge the legal freedoms that faith schools enjoy to discriminate against and segregate children on the basis of religion, and we'll go on setting out the humanist vision of an education system that is fair, inclusive, and open to all, irrespective of religion and belief.

If ever you experience problems related to religion and belief at your school, or have any questions about our campaigns or what is in this guide, please don't hesitate to get in touch.

A handwritten signature in black ink that reads "Andrew Copson".

Andrew Copson
Chief Executive



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1. TYPES OF SCHOOL

Type of school	Community schools (cannot have a religious character)	Voluntary Controlled faith schools (legally registered with a religious character)	Voluntary Aided faith schools (legally registered with a religious character)
Religious Education	Set every 5 years by local Agreed Syllabus Conference (ASC) and overseen by Standing Advisory Council on RE (SACRE). Must be non-confessional. Inspected by Ofsted.	As set by ASC and hence non-confessional – unless parents request RE for their children is taught in accordance with the trust deeds and faith of the school. Inspected by Ofsted.	Set by governors in accordance with the tenets of the faith of the school (i.e. the trust deeds), unless parents request non-confessional RE for their children as set by ASC. Inspected by person chosen by the governing body (not Ofsted).
Collective worship	'Wholly or mainly of a broadly Christian character' but subject to SACRE approval may be changed to another faith, multi-faith or spiritual.	Must be 'in accordance with the tenets and practices of the religion or religious denomination.'	
Admissions	Determined by local authority; cannot discriminate on religious grounds. Must adhere to the Schools Admissions Code.	Determined by local authority; most cannot discriminate on religious grounds although a quarter of authorities let some do. Must adhere to the Schools Admissions Code.	Determined by governors 'in consultation' with local authority; can discriminate against all pupils on religious grounds if oversubscribed. Must adhere to the Schools Admissions Code.
National Curriculum		Must follow.	
Creationism/ Evolution	Not allowed to teach pseudoscientific ideas such as creationism or intelligent design as scientifically valid or factual. Must teach evolution in line with national curriculum in science.		
Relationships and Sex Education (RSE)	Must provide RSE. Parents can withdraw their children from the sex education element of RSE. Guidance states that this withdrawal can only take place until three terms prior to the child's 16th birthday. RSE must have 'regard to the age and the religious background' of children. Faith schools therefore believe they are permitted to teach RSE from their religious perspective.		



Type of school	Foundation faith schools (legally registered with a religious character)	Faith Academies and free schools (legally registered with a religious character)	Academies and free schools with no registered religious character (but may have a 'faith ethos')	Private faith schools (the vast majority of private schools are religious)
Religious Education	As set by ASC and hence non-confessional – unless parents request that RE for their children is taught in accordance with the trust deeds and faith of the school. Inspected by person chosen by foundation governors (not Ofsted).	If the Academy is a former foundation or voluntary controlled school, non-confessional unless parents request faith-based RE for their children. Otherwise, set by governors in accordance with the tenets of the faith of the school, unless (for schools opened from 2012 onwards) parents request non-confessional RE for their children as set by ASC. Inspected by a person chosen by the Academy (not Ofsted).	Set by governors but must be non-confessional. Many schools choose the syllabus set by the ASC, although there is no requirement to and many don't. Inspected by Ofsted.	May teach any form of RE they like, or teach none at all, with the only limitation being the fulfilment of obligations around the promotion of British values. They do not have to provide parents with rights of withdrawal if it is taught.
Collective worship	Must be 'in accordance with the tenets and practices of the religion or religious denomination.'		'Wholly or mainly of a broadly Christian character' but subject to government approval may be changed to another faith, multi-faith or spiritual.	No requirement to hold collective worship, though they can choose to have it (most do) and if they do they do not have to provide parents or pupils with a right of withdrawal.
Admissions	Determined by governors in consultation with local authority; can discriminate on religious grounds if oversubscribed. Must adhere to the Schools Admissions Code.	Determined by governors; can discriminate on religious grounds though for up to 100% of places. New Free Schools can only do this for half of places. Must adhere to the Schools Admissions Code.	Determined by governors; cannot discriminate on religious grounds. Must adhere to the Schools Admissions Code.	Not subject to the School Admissions Code and are free to discriminate on the basis of religion or belief, including by refusing to admit pupils even if undersubscribed.
National Curriculum	Must follow.	Does not need to follow, but must teach a 'broad and balanced curriculum' including English, Maths, and Science.		Does not need to follow.
Creationism/ Evolution	Not allowed to teach pseudoscientific ideas such as creationism or intelligent design as scientifically valid or factual. Must teach evolution in line with national curriculum in science.	'Must not allow any view or theory to be taught as evidence-based if it is contrary to established scientific or historical evidence and explanations.' And though no requirement to follow the national curriculum, 'must provide for the teaching of evolution as a comprehensive, coherent and extensively evidenced theory'.		May teach pseudoscience including creationism as fact and can choose to dismiss evolution or not teach it at all.
Relationships and Sex Education (RSE)	Must provide RSE. Parents can withdraw their children from the sex education element of RSE. Guidance states that this withdrawal can only take place until three terms prior to the child's 16th birthday. RSE must have 'regard to the age and the religious background' of children. Faith schools therefore believe they are permitted to teach RSE from their religious perspective.			



2. RELIGIOUS EDUCATION

All state-funded schools in England are required to provide Religious Education (RE) to their pupils right the way through school. Parents have the **option to withdraw** their children from RE if they wish. More on this can be found in Chapter 5.

The nature and content of the RE that a school must provide depends on its type.

RELIGIOUS EDUCATION IN STATE SCHOOLS WITHOUT A RELIGIOUS CHARACTER

Schools without a religious character – both maintained community schools and academies and free schools – must remain neutral on matters of religion or belief in their teaching of RE. In other words, the syllabus must not be taught from a faith-based perspective and must not suggest, either explicitly or implicitly, that any particular set of religious or non-religious beliefs are distinctly ‘true’, or worthier, or more deserving of attention and study than any other.

In schools without a religious character, the **law requires** that the RE syllabus ‘reflects the fact that the religious traditions in Great Britain are in the main Christian while taking account of the teaching and practices of the other principal religions represented in Great Britain’. In practice, this is usually interpreted as meaning that Christianity should be studied more than any other single religion or belief, though not

necessarily more than all other religions and beliefs combined. And crucially, in line with established case law, the reference to ‘other principal religions’ here must be read as referring to religions and beliefs, including humanism.

In **maintained community schools**, the specific content of RE is set according to a syllabus agreed locally by an ‘Agreed Syllabus Conference’ (ASC), comprised of representatives of the Church of England; other religions, beliefs, and denominations; teachers; and the local authority. There are 151 ASCs in England, each with their own syllabus (though some ASCs choose to share the same syllabus). Local syllabuses must be reviewed at least every five years, and are permanently overseen by a network of local bodies called ‘Standing Advisory Councils on Religious Education’ (SACREs), which are composed similarly (usually identically) to ASCs.

Academies and free schools are not required to follow a locally agreed syllabus. They are free to set their own RE syllabus, provided it meets the requirements for balance and neutrality outlined above.



RELIGIOUS EDUCATION IN STATE FAITH SCHOOLS

Voluntary controlled (VC) and foundation faith schools must provide RE in accordance with the locally agreed syllabus. However, if a parent requests that RE be provided in accordance with the religion of the school, then the governors must make arrangements for this to happen.

Voluntary aided (VA) faith schools teach RE as set by the governing body in accordance with the religion of the school. However, parents have the **right to request** non-faith-based RE for their children in the form of the locally agreed syllabus.

Academies and free schools with a religious character are free to set their own RE syllabus and to teach RE from a

faith-based perspective. As above, parents have the right to request non-faith-based RE for their children in the form of the locally agreed syllabus.

RELIGIOUS EDUCATION IN PRIVATE SCHOOLS

In private schools, none of the requirements imposed on state-funded schools applies. Private schools may teach whatever form of RE they like (or teach none at all), with the only limitation being that the school as a whole must fulfil its obligations with regard to promoting 'British values' (democracy, the rule of law, individual liberty, mutual respect, and tolerance of those of different faiths and beliefs – including those of no religion). As the vast majority of private schools are religious, in practice a large number teach faith-based RE.



3. RESOURCES FOR INCLUDING HUMANISM IN RE

Humanists UK provides a range of free education resources designed to support learning about humanism. It also offers visits from humanist school speakers to provide opportunities for young people to ask their questions about the humanist approach to life.

Our Understanding Humanism website provides teachers with comprehensive, flexible, and free resources to enable them to teach accurate, high-quality lessons about humanism as part of an inclusive education about religion and worldviews. Our resources and school speakers receive consistently positive feedback from schools.

The humanist approach to life is broken up into several core features to support learning about how humanists tackle life's big questions on how we can understand the world, how we should live, and how we can best live together.

Teachers are able to access information sheets, presentations, classroom activities, videos, and assessment ideas, through the site, as well as book local humanist school speakers to visit their school.

Parents can also access these resources should they wish to allow their children the opportunity to learn more about humanist perspectives at home.

If your school does not currently include teaching about humanism in RE, please do encourage them to and point them in the direction of [understandinghumanism.org.uk](https://www.understandinghumanism.org.uk). We'd particularly recommend encouraging schools to invite a visit from a humanist school speaker.





4. COLLECTIVE WORSHIP

Currently, the law requires all state-funded schools in England to hold daily acts of 'collective worship'. In schools with no religious character this worship must be 'wholly or mainly of a broadly Christian character', while in faith schools worship must be conducted in line with the religion and trust deeds of the school.

The requirements are enshrined in the [School Standards and Framework Act 1998](#), which builds on similar requirements in the Education Act 1996, Education Reform Act 1988, and the 1944 Education Act.

Like Humanists UK, most school leaders, teachers, and parents are concerned about the law on collective worship, particularly as it pertains to schools without a religious character, where the requirement is seen as inappropriate, unworkable, and out-of-sync with the otherwise secular, inclusive nature of such schools. For this reason, the vast majority of schools without a religious character are known not to comply fully with the requirement, and there is limited effort on the part of government to inspect or enforce compliance.

That said, schools that do wish to hold daily worship are free to, so it is important to understand the requirements and your rights as a parent.

COLLECTIVE WORSHIP IN STATE SCHOOLS WITH NO RELIGIOUS CHARACTER

As above, in state schools with no religious character daily acts of collective worship must be 'wholly or mainly of a broadly Christian character'. What this means in practice is open to interpretation, however, and it certainly does not mean that all assemblies must be Christian in nature.

The government guidance in [England](#) states:

'It is open to a school to have acts of worship that are wholly of a broadly Christian character, acts of worship that are broadly in the tradition of another religion, and acts of worship which contain elements drawn from a number of different faiths. [The law provides] that within each school term the majority of acts of worship must be wholly or mainly of a broadly Christian character, but it is not necessary for every act of worship to be so... Thus, whatever the decision on individual acts of worship, the majority of acts of worship over a term must be wholly or mainly of a broadly Christian character.'



In line with this, many schools choose to meet their obligations by ensuring that 51% of their assemblies are Christian, while the other 49% are more inclusive. Others simply choose to hold assemblies that draw on values shared by Christians and people from a range of other religions and beliefs, including humanism. In fact, this more inclusive approach is the one advocated by government:

'The law requires schools to provide an experience of collective worship that is relevant to all pupils, no matter what their background or beliefs, to ensure collective worship is presented in a way that benefits the spiritual, moral and cultural development of all children and young people and of society. The purpose of the law is an educational one, not to indoctrinate or influence pupils' personal beliefs.'

Furthermore, schools with no religious character are legally able to free themselves of the obligation to provide predominantly Christian worship. This is done by applying for a '**determination**' to change the character of their worship from Christian to something more appropriate. Technically, the alternative arrangements must still retain some element of 'worship', but schools are able to change the character of that worship simply to 'spiritual' or 'multi-belief', allowing for more inclusive assemblies to be offered. All applications for such determinations must be directed to the Government if the school is an Academy, or the local Standing Advisory Council for Religious Education (SACRE) if the school is not. Details for your school's local SACRE can be found online.

Sixth form pupils and parents on behalf of younger pupils have **the right to withdraw from collective worship**. More on the right of withdrawal can be found in Chapter 5.

COLLECTIVE WORSHIP IN STATE FAITH SCHOOLS

Collective worship in schools with a religious character is not subject to SACRE control, but rather is set by the governing body and conducted in line with the religion and trust deeds of the school. Again, sixth form pupils and parents of younger pupils still have the right to withdraw.

COLLECTIVE WORSHIP IN PRIVATE SCHOOLS

Private schools are allowed to do what they like with regard to worship: they can choose to have it, or not, and if they do have it they do not have to provide a right of withdrawal for parents or pupils (on the basis that the parent can withdraw their child from the school entirely – even though this leaves the pupil with no apparent equivalent rights to those they would enjoy in the state sector). In practice, we believe that most private schools have daily collective worship.





5. WITHDRAWING FROM RELIGIOUS EDUCATION OR COLLECTIVE WORSHIP

Current legislation gives parents the right to withdraw their children either wholly or partly from Religious Education, while both sixth form pupils and parents on behalf of younger pupils have the right to either wholly or partly withdraw from collective worship. No reason has to be given.

It is important to recognise that withdrawing your child from either RE or collective worship is by no means an ideal solution to faith-based teaching and evangelising. It can lead to your child feeling singled out or being victimised by their peers, and some schools have been known (quite inappropriately) to frown on parents wishing to withdraw their children. However, in many cases it can be the only solution.

The various considerations in exercising your right of withdrawal from RE or collective worship are set out below.

WITHDRAWING FROM RELIGIOUS EDUCATION


For all state schools the law states that if the parent of a pupil 'requests that he may be wholly or partly excused from receiving religious education given in the school in accordance with the school's basic curriculum... the pupil shall be so excused

until the request is withdrawn.' This applies to all types of state school, whether they are maintained schools or academies, faith schools or schools with no religious character. It does not apply to private schools.

Parents may have a number of reasons for wanting to withdraw their children from RE, but before making a decision it is important to understand what kind of RE is being taught.

As explained in chapter 2, **RE in schools without a religious character** must be strictly educational and entirely neutral on matters of religion or belief. So, if RE is being delivered properly in such schools, there should be no reason to withdraw your child. In fact, doing so would deny them the important opportunity to learn about other people's beliefs and to develop their own.

If the school is not teaching RE in a neutral way, your first response should be to raise this with the school and remind them of the law. Sometimes just pointing out where the school is going wrong, particularly if the issue



is a relatively minor one, is enough to remind the teacher of what they should be doing.

In those faith schools that are legally allowed to teach biased, faith-based RE, withdrawing your children may be the only way to avoid unwanted evangelising. You do not have to provide reasons for withdrawing your child, and the school is legally obliged to supervise children who have been withdrawn.

This does not mean that your child has to miss out on RE altogether, however. In voluntary aided faith schools and faith academies and free schools, the **law provides that**

'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 education authority, and (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.'

In other words, you can request that your child be taught according to the neutral RE syllabus (i.e. the locally agreed syllabus) that is taught in schools that aren't faith schools, and the school itself must provide this teaching.

Note as well that you can 'partly' withdraw children from RE, so if there is a particular aspect that you are uncomfortable with, but the rest of the teaching is fine, you should be able to withdraw them only from that one part.

WITHDRAWING FROM COLLECTIVE WORSHIP

As is the case for RE, the law states that if the parent of a pupil 'requests that he may be wholly or partly excused from receiving religious education given in the school in accordance with the school's basic curriculum... the pupil shall be so excused until the request is withdrawn.' Unlike in RE, however, sixth form pupils have the right to withdraw themselves from collective worship. This applies to all types of state school, whether they are maintained schools or academies, faith schools or schools with no religious character. But it does not apply to private schools.

Crucially, when withdrawing a child from collective worship it is important to remember that it is only the worship they are being withdrawn from, not anything else. If the worship is taking place during an assembly, for instance, a pupil should be withdrawn only from the worship element of the assembly, and then reintroduced for the remainder of the time. This will avoid situations in which children withdrawn from worship end up missing out on other parts of an assembly, such as school notices or awards.

It is worth noting that while the Government has previously indicated that schools should provide a meaningful alternative for children withdrawn from collective worship, schools are not currently obliged to do so. As a result, children can end up being sent to an empty classroom or told to sit outside in the corridor. Official guidance does allow children to remain physically present during worship, without taking part, but for many parents this arrangement will be just as unacceptable. It is therefore important to try and secure the cooperation of the school if possible, as arranging a suitable alternative to worship will depend on their willingness to provide it.

6. A MEANINGFUL ALTERNATIVE TO COLLECTIVE WORSHIP: ASSEMBLIES FOR ALL

The **Assemblies for All** (assembliesforall.org.uk) online resource is run by Humanists UK, and provides access to high quality, inclusive assemblies for schools across the UK so that every student can experience assemblies which are educational, enjoyable, and appropriate for young people from all backgrounds.

Assemblies for All prioritises assemblies that are not acts of collective worship and which do not seek to promote one particular religion or belief. The assemblies are inclusive and accessible for all schools, teachers, and pupils, regardless of their religion or belief background.

The website features hundreds of interactive, meaningful assemblies made by education professionals from charities like Amnesty, Oxfam and UNICEF, to organisations such as the UK Parliament and the BBC. Every assembly is organised by theme, key stage, organisation, and, for many of them, by a corresponding event in the calendar. The calendar contains notable dates across the year so that assemblies can be held to mark important events such as International Women's Day, World Environment Day, and Martin Luther King Jr Day.

Therefore if you are engaging with your child's school about the content of assemblies, with a view to making them more inclusive, it may be useful to point them in the direction of this resource.





7. SCHOOL ADMISSIONS

Around a third of all state-funded schools in England are schools 'with a religious character', or 'faith schools' as they are more commonly known.

If you have been allocated a place at a faith school against your wishes, there may be grounds for appeal under the Human Rights Act 1998. Please get in touch with Humanists UK if this applies to you.

ADMISSION TO FAITH SCHOOLS

Due to a **specific exemption in the Equality Act 2010**, state-funded faith schools in England are generally allowed to select up to 100% of their pupils by religion, but only when oversubscribed. If there are more places at the school than pupils applying, the school must admit everyone.

The specific religious criteria used by schools vary widely. Most commonly, schools will ask parents for evidence such as a baptismal certificate or a document signed by a local religious leader proving attendance at a place of worship. The extent of attendance required also varies, and in some cases priority is given on a 'sliding scale' based on how frequently parents or children attend their place of worship.

As with Religious Education, the rules for school admissions differ depending on the type of school.

Voluntary controlled schools have their admissions determined by the local authority. As a result, they are generally not allowed to religiously select, though around one quarter of local authorities allow some VC schools to do this.

Voluntary aided and foundation schools have their admissions set by their governing body who are free to impose religious criteria on 100% places if they wish, and typically do so.

Where an **Academy has replaced a pre-existing religious state school**, the degree to which it religiously selects can be kept at the same level as it was prior to conversion, or it can be increased or reduced. This is true even of voluntary controlled schools that convert into an Academy – they gain control of their own admissions and can therefore start religiously selecting if they wish.

Free Schools, which are new academies starting from scratch (or replacing a private school), can select up to 50% of pupils with reference to religion.

Private schools with a religious character are able to impose religious criteria on 100% of their places, and can refuse to admit children on religious grounds whether they are oversubscribed or not.



SCHOOL ADMISSIONS CODE

All state-funded schools must adhere to the [School Admissions Code](#), which requires that all admissions criteria are 'reasonable, clear, objective, and procedurally fair'. The Code also prohibits the prioritisation of children both on the basis of financial support provided to a school or organisation, including religious authorities, and on the basis of any practical support provided to an organisation, again including religious ones, unless explicitly permitted by the relevant religious authority (such as the local diocese).

If you suspect that the admission arrangements of a religious school in your area are in breach of the Code, you can lodge an objection through the Office of the Schools Adjudicator. Further details can be found on their website.

CAN I BE ALLOCATED A PLACE AT A RELIGIOUS SCHOOL AGAINST MY WISHES?

There is nothing specifically in UK law that gives parents the right to have their child educated at (or not at) a faith school. For this reason, many pupils end up being allocated places at schools with a religious character or ethos to which they do not subscribe. While there is very little that can be done to get around this in individual cases, parents are entitled to appeal. The rules surrounding such appeals are set out in the [School Admissions Appeals Code](#).

It should be noted, however, that unfortunately appeals on the grounds that you do not wish your child to be sent to a religious school are rarely successful. As the School Admissions Code states, whilst 'the Human Rights Act 1998 confers a right of access to education', 'this right does not extend to securing a place at a particular school.' Nevertheless, the Code does state that 'admission authorities and appeal panels need to consider... for example, the parents' rights to ensure that their child's education conforms to their own religious or philosophical convictions.' A non-religious family allocated a place at a faith school may well be such a case.

So if you would be interested in exploring the idea of taking a legal case on these grounds, please get in touch with Humanists UK.



8. CREATIONISM AND EVOLUTION

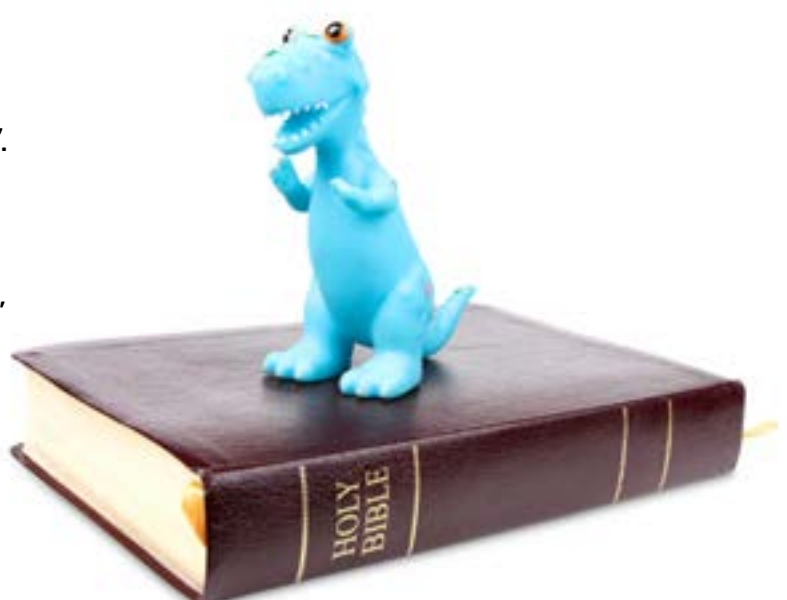
It is unlawful in all publicly funded schools in England, including Academies and Free Schools, to teach pseudoscientific ideas such as creationism or intelligent design as scientifically valid. Schools may still teach creation stories as part of RE, but at no stage must children be encouraged to believe that these stories are factual or that they sit alongside evolution as equally valid 'theories'.

More specifically, all state schools are required to teach 'a broad and balanced curriculum', and the UK Government has decided that to teach creationism as scientifically valid would not be being balanced. In addition, the [Academy and Free School model funding agreement](#) stipulates that 'The Academy Trust must not allow any view or theory to be taught as evidence-based if it is contrary to established scientific or historical evidence and explanations. This clause applies to all subjects taught at the Academy.' Further, 'The Academy Trust must provide for the teaching of evolution as a comprehensive, coherent and extensively evidenced theory'.

All state schools in England are also required to teach evolution. If they are a community, voluntary, or foundation school, they are bound to follow the [national curriculum](#), which in science includes modules on evolution in years six and ten.

If they are an Academy or Free School, their funding agreements oblige the teaching of evolution 'as a comprehensive, coherent and extensively evidenced theory'.

Private schools on the other hand are still allowed to teach pseudoscience and creationism as fact and to either dismiss evolution or not teach it at all. Many private schools continue to exercise those rights, and Ofsted does not inspect them on these matters.



9. FREQUENTLY ASKED QUESTIONS

The answers to many of these questions depend upon the type of school concerned, as well as whether or not it is legally designated with a religious character. You can look up what type of school yours is by searching on the **Government's schools database**.

MY SCHOOL'S RE IS UNBALANCED, BIASED OR 'CONFESSIONAL' - IS THIS LEGAL?

If the school is legally designated with a religious character and is a voluntary aided school, a Free School, a sponsored Academy, or an Academy that converted to Academy status having previously been a voluntary aided school, then the school **can teach RE** 'in accordance with the tenets of the religion or religious denomination specified in relation to the school' – i.e. if it is a Christian school, teach that Christianity is true and all other faiths are false. In this sense, the teacher is acting lawfully by teaching unbalanced and biased RE. The same is true in private schools that are designated with a religious character.

In all state-funded schools without a religious character, in voluntary controlled and foundation schools with a religious character, and in Academies with a religious character that converted to Academy status having previously been either a voluntary controlled or foundation school, the RE curriculum must be neutral on matters of

religion and belief. Therefore, if the teacher is teaching from a faith-based perspective, they are breaking the law.

With that said, the law **also requires** that the RE syllabus in these schools 'reflects the fact that the religious traditions in Great Britain are in the main Christian while taking account of the teaching and practices of the other principal religions represented in Great Britain', so Christianity can be taught to a greater extent than other religions or non-religious worldviews.

If your child is being taught an unbalanced or biased RE curriculum, and they are either attending a school without a religious character or you were allocated a faith school against your wishes, this may be unlawful under the Human Rights Act. We are keen to support parents to challenge such scenarios, so do please get in touch by emailing campaigns@humanists.uk.



CAN I OPT MYSELF/MY CHILD OUT OF ATTENDING RE?

In all state-funded schools parents can opt their children out of RE if they wish, and in some schools, make arrangements for alternative RE.

For all state funded schools, the **law specifies that** if a parent requests that their child be 'wholly or partly excused' from RE provision, then regardless of the nature of that provision, the school must allow it. However, this is in no way an ideal situation as it can lead to children feeling excluded, or being singled out and victimised by their peers. Any decision to opt a child out of RE must therefore be considered carefully.

If the school is legally designated with a religious character and is a voluntary aided school, a Free School, a sponsored Academy, or an Academy that converted to Academy status having previously been a voluntary aided school, then RE will by default be taught in a faith-based, confessional manner. However, parents with children at these schools can request that their child be taught

according to the (neutral) locally agreed syllabus, and the school itself must provide this teaching. If the school refuses such a request for neutral RE, they are breaking the law. Please get in touch with Humanists UK if this applies to your child's school.

UK law says that pupils cannot opt themselves out of RE – this right rests with their parents. Similarly, neither pupils nor parents can opt out of RE in private schools – this being justified by the fact that the parents can always choose to send their children to a state school instead (an option not available to the pupil themselves).

However, if a young person in either a state or private school is sufficiently mature enough to make their own informed decision on the question at hand, then human rights-based case law known as '**Gillick competence**' suggests that that young person should in fact have the right to opt themselves out of RE. The fact that this right is not recognised in UK law has not been challenged before and is something we would be very keen to take on, as we think we could force a change in the law – if you are a young person in such a circumstance, please get in touch with us about this.





ASSEMBLIES AT MY CHILD'S SCHOOL ARE BEING USED FOR EVANGELISING AND RELIGIOUS COLLECTIVE WORSHIP - IS THIS LEGAL?

In England, all state funded schools **must** provide for a daily act of collective worship. If the school is legally designated as a faith school (of any kind), then this worship must be held in accordance with the trust deeds of the school, i.e. in line with its religious character. If the school is not legally designated as a faith school, then **the law requires** that the daily worship is 'wholly or mainly of a broadly Christian character.' This means that most assemblies have to have a broadly Christian theme. Many schools do not adhere to the law in this area and there has been little attempt by either local authority or central government to enforce

it. It is nonetheless a legal requirement that schools should, by the letter of the law, follow, and regrettably many do.

Finally, many state schools with no religious character have chosen to apply to their local authority or the Secretary of State for Education for a 'determination' to change the character of their worship for some or all of their pupils from Christian to another faith. This cannot be changed to humanist, or inclusive, as it must still be worship, but can be changed to spiritual, or multi-faith. It is still not ideal from our point of view, but is at least better than Christian worship. You could argue that such a determination would be more inclusive of the diversity of beliefs in the school.

As for private schools, they are not required to hold any act of collective worship, but can choose to do so and can choose the nature of this worship as they wish.

CAN I OPT MYSELF/MY CHILD OUT OF ATTENDING COLLECTIVE WORSHIP?

In state schools, as with RE, first of all, parents do have the right to opt their children out of collective (or indeed any other) worship – but unlike with RE, this right transfers from parent to pupil once the pupil reaches the sixth form. Note that pupils can also be partly opted out, so it should in theory be possible to remove a pupil from worship, while ensuring they do not miss any assemblies that are conducted in an inclusive way, or indeed the parts of an assembly that are not spent worshipping.

But this is not an ideal solution as it could lead to a pupil feeling excluded or being singled out and victimised by their peers. Further, without some cooperation from the school itself, it could lead them to miss out on important parts of the day, such as school notices, that also take place during assemblies. In addition, the school does not have to arrange an alternative activity – many children end up being sent to the library, and some have to sit outside the assembly in the corridor. You can ask for something more appropriate, however.

If your child's assemblies by default contain acts of worship, and no meaningful alternative is provided, this may be unlawful under the Human Rights Act. We are keen to support parents to challenge such scenarios, so do please get in touch by emailing campaigns@humanists.uk.

UK law says that pupils who are not yet in sixth form cannot opt themselves out of worship; this right rests with their parents. Similarly, neither pupils nor parents can opt out of worship in private schools – this being



justified by the fact that the parents can always choose to send their children to a state school instead (an option not available to the pupil themselves).

However, if a young person in either of these circumstances (state school but not yet sixth form, or private) is sufficiently mature enough to make their own informed decision on the question at hand, then human rights-based case law known as '**Gillick competence**' suggests that that young person should in fact have the right to opt themselves out of worship. The fact that this right is not recognised in UK law has not been challenged before and is something we would be very keen to take on, as we think we could force a change in the law – if you are a young person in such a circumstance, please get in touch with us about this.

WHAT IF THE SCHOOL DOESN'T LET ME OPT OUT MYSELF/MY CHILD FROM RE OR COLLECTIVE WORSHIP?

If the school is a state school, this is unlawful. **Section 55(2) of the Education and Inspections Act 2006** plainly states:

'(1) If the parent of a pupil at a community, foundation or voluntary school 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, the pupil shall be so excused until the request is withdrawn.'

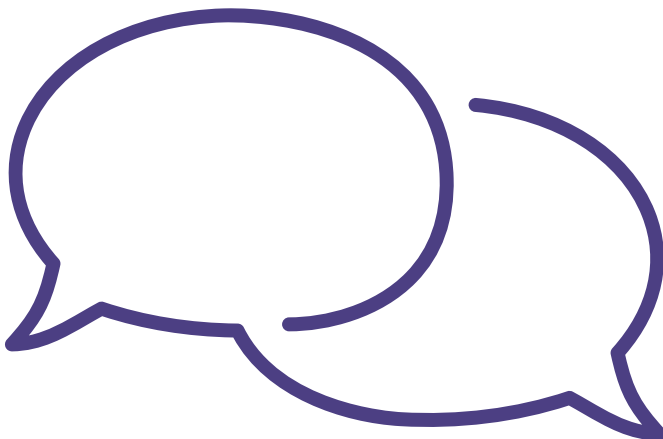
(1A) If the parent of any pupil at a community, foundation or voluntary school other than a sixth-form pupil requests that he may be wholly or partly excused from attendance at religious worship at the school, the pupil shall be so excused until the request is withdrawn.'

(1B) If a sixth-form pupil 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.'

This rule also applies to Academies and Free Schools through their funding agreements.

In terms of how to get the school to face up to its legal obligations, first of all you should pursue its internal complaints procedure. Beyond that, the next step is to complain to either the local authority (if the school is a maintained school – i.e. not an Academy or Free School), or the Department for Education. On the former, each local authority will have its own complaints procedures, but on the latter, the DfE's guidance on complaining is [on its website](#).

If the school is a private school, then UK law does not require opt-outs to be offered. This is justified on the basis that the parent can choose to send their child to a state school, where opt-outs are provided. But pupils do not have this option and so it may mean that their human right to freedom of religion or belief is infringed. This is because human rights-based case law known as '[Gillick competence](#)' suggests that if a young person in these circumstances is sufficiently mature enough to make their own informed decision on the question at hand, that young person should in fact have the right to opt themselves out of RE or worship. The fact that this right is not recognised in UK law has not been challenged before and is something we would be very keen to take on, as we think we could force a change in the law – if you are a young person in such a circumstance, please get in touch with us about this.



WHAT IF THE SCHOOL DOESN'T ALLOW ME TO OPT OUT MY CHILD WITHOUT SENDING THEM HOME?

That would be unlawful. **Section 71(3) of the School Standards and Framework Act 1998** states that pupils can be withdrawn from a state school if a parent has made arrangements for them to have worship/religious education elsewhere, and therefore implicitly a pupil must not otherwise be withdrawn from school – as the duty of care still rests with the school. Helpfully, this is made explicit in the current guidance on the matter, **Circular 1/94**, which states in paragraph 84 that 'A school continues to be responsible for the supervision of any child withdrawn by its parent from collective worship.'

MY CHILD'S PRIMARY SCHOOL TEACHES THE CREATION STORY – IS THIS LEGAL?

State schools should absolutely not teach pseudoscientific ideas such as young earth creationism or intelligent design as scientifically valid, as they are not scientifically valid and so to do so would break laws requiring the curriculum to be 'balanced'. This extends to a 'teach the controversy' approach which treats creationism and evolution as equivalently valid theories. The law is clear in this area, and the UK Government has been equally so in **various statements** it has made. So, if this is what a state school is doing, then it should be directed to the law and these statements, and then you might want to report it to the Government – the UK Department for Education has asked to be made aware of any such examples we come across so that they can investigate. We would be happy to assist you on this.

With all that said, many primary schools simply teach about the creation narrative as a central narrative in the Bible, which is perfectly legal. Primary school children are not used to being taught about beliefs as opposed to being taught them as true, so this subtlety may be lost in the delivery. If this is what is happening, then the school needs to be more careful about its teaching.

Private schools are legally entitled to teach pseudoscientific ideas like creationism as scientifically valid. Many do, and Ofsted does not mark them down for doing so.





MY CHILD HAS BEEN REFUSED ADMITTANCE TO THE LOCAL SCHOOL DUE TO BEING OF THE WRONG/NO RELIGION – WHAT CAN I DO?

Unfortunately, UK law allows faith schools to religiously discriminate in admissions, typically for up to 100% of pupils. There are specific exemptions from the Equality Act to allow the school to do this, and there's very little that can be done in individual cases to get around this.

You may wish to contact your local councillors, MP, or newspaper to raise awareness of your concern, and to try to place this issue onto the political agenda.

MY CHILD HAS BEEN DISCRIMINATED AGAINST IN ADMISSIONS BY BEING ALLOCATED A PLACE AT A FAITH SCHOOL – WHAT CAN I DO?

Unfortunately, UK law does not allow parents the right to not have their child sent to a faith school, and historically parents trying to avoid this situation through the admissions appeals process have not been particularly successful. However, if you wish to appeal, there is an argument you could use.

The [School Admissions Appeals Code](#) includes the statement:

Human Rights Act 1998

The Human Rights Act 1998 confers a right of access to education. This right does not extend to securing a place at a particular school. However, admission authorities and appeal panels need to consider parents' reasons for expressing a preference when they make admission decisions and when making decisions on appeals. These reasons might include, for example, the parents' rights to ensure that their child's education conforms to their own religious or philosophical convictions (as far as is compatible with the provision of efficient instruction and the avoidance of unreasonable public expenditure).

It may be helpful to use this if arguing in front of an appeals panel, so if you would be interested in exploring the idea of taking a legal case on these grounds, please get in touch with Humanists UK.

CONTACTS

Humanists UK

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Email: info@humanists.uk

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Understanding Humanism

Website: understandinghumanism.org.uk

Email: education@humanists.uk

Assemblies for All

Website: assembliesforall.org.uk

Email: info@assembliesforall.org.uk

Ofsted

Website: www.gov.uk/government/organisations/ofsted

Contact form: contact.ofsted.gov.uk/contact-form?q=contact-form

Phone about concerns: 0300 123 4666

Office of the Schools Adjudicator

Website: www.gov.uk/government/organisations/office-of-the-schools-adjudicator

Objection form: www.gov.uk/government/publications/objection-to-school-admission-arrangements

Equality and Human Rights Commission

Website: equalityhumanrights.com

Contact form: equalityhumanrights.com/en/contact-us

Equality Advisory Service

Website: www.equalityadvisoryservice.com

Contact form: www.equalityadvisoryservice.com/app/ask

Phone: 0808 800 0082