



KING JAMES I ACADEMY

Religious Education Provision

Right to Withdrawal

2022-2023

Date adopted by Governors September 2021

Date of Next Review: September 2023

King James I Academy | Religious Education Provision: Statutory Religious Education

Right to Withdrawal 2020-2021

Section 1: Legal Statutory Requirements

The Academy curriculum, provides all KS3 & KS4 students access to a programme of study of Religious Education in compliance with Section 80 (1) (a) of the Education Act 2002.ⁱ

In accordance with Section 19 (2)ⁱⁱ of the School Standards Framework Act 1998, the Academy follows the recommended statutory guidelines as outlined in the Durham LEA Agreed Syllabus, as agreed by section 375(2) of the Education Act 1996ⁱⁱⁱ that is delivered to all pupils within the Academy.

Through this provision the Academy also fulfils Section 2.51(a) and (b) of the Schools Funding Agreement^{iv}.

Section 2: Right to Withdrawal

This section of the policy will outline the legal framework for a parent, or student over the age of 18 years old, to make the “Right to Withdrawal” request.

The School Standards and Framework Act 1998 states the following with regards to the “Right to Withdrawal”:

Exceptions and special arrangements etc.

71.—(1) If the parent of a pupil at a community, foundation or special voluntary school requests that he may be wholly or partly excused—

- (a) from receiving religious education given in the school in special schools. 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,*
- (c) both from receiving such education and from such attendance*

the pupil shall be so excused until the request is withdrawn.

(2) In subsection (1)

- (a) the reference to religious education given in accordance with the school’s basic curriculum is to such education given in accordance with the provision included in the school’s basic 1996 c. 56. curriculum by virtue of section 352(1)(a) of the Education Act 1996, and*

(b) the reference to religious worship in the school includes religious worship which by virtue of paragraph 2(6) of Schedule 20 takes place otherwise than on the school premises.

(3) Where in accordance with subsection (1) a pupil has been wholly or partly excused from receiving religious education or from attendance at religious worship and the local education authority are satisfied—

(a) that the parent of the pupil desires him to receive religious education of a kind which is not provided in the school during the periods of time during which he is so excused,

(b) that the pupil cannot with reasonable convenience be sent to another community, foundation or voluntary school where religious education of the kind desired by the parent is provided, and

(c) that arrangements have been made for him to receive religious education of that kind during school hours elsewhere,

the pupil may be withdrawn from the school during such periods of time as are reasonably necessary for the purpose of enabling him to receive religious education in accordance with the arrangements.

(4) A pupil may not be withdrawn from school under subsection (3) unless the local education authority are satisfied that the arrangements there mentioned are such as will not interfere with the attendance of the pupil at school on any day except at the beginning or end of a school session (or, if there is only one, the school session) on that day.

(5) Where the parent of a pupil who is a boarder at a community, foundation or voluntary school requests that the pupil be permitted—

(a) to receive religious education in accordance with the tenets of a particular religion or religious denomination outside school hours, or

(b) to attend worship in accordance with such tenets on Sundays or other days exclusively set apart for religious observance by the religious body to which his parent belongs,

the governing body shall make arrangements for giving the pupil reasonable opportunities for doing so.

(6) Arrangements under subsection (5) 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.

(7) Regulations shall make provision for securing that, so far as practicable, every pupil attending a community or foundation special school—

(a) receives religious education and attends religious worship, or

(b) is withdrawn from receiving such education or from attendance at such worship in accordance with the wishes of his parent.^v

Section 3: The Academy Response to Right to Withdrawal Request

The Academy is committed to supporting the legal rights of the parents and the student (aged 18 or over) to request for the withdrawal of their child (or themselves) from full/part of R.E. lessons, as set out in The School Standards and Framework Act 1998 and The Education Act 1996.

Therefore, the following process should be followed by the Academy when such requests are made;

1. Written request from parents (or student aged 18 or over) should be submitted to the Head Teacher. No reason need be given. Pupils themselves are not able to request their own withdrawal.
2. Parents (Student aged 18 or over) will then be offered an optional meeting to discuss any concerns with the Head Teacher. Whilst, this is not a requirement and the parent (or student aged 18 or over) wishes to not attend, this will not impede upon their request in any way. The purpose of the offering of this meeting will be to maintain and an open dialogue between concerned parties and the academy, whilst providing an opportunity to reiterate the importance and value of an R.E. curriculum.
3. "Right to Withdrawal" requests must state clearly within the letter whether the child should be removed from R.E. lessons, collective worship or both. It is not for the Academy to assume.

Individual requests must be made for each child that is required to be withdrawn from R.E. and/or collective worship. It is not for the academy to assume.

4. Parents (Students over the age of 18) will be issued a letter to confirm that their child (themselves) have been withdrawn as per their choice. This letter will and must state clearly that where religion and/or belief may be covered in other areas of the curriculum, there is NO right to withdrawal from those lessons.

Section 4: Alternative Provision

The School Standards and Framework Act 1996 provides clear guidance as to the legal requirements should a withdrawal request be made. The Academy will endeavour to support the requests of parents in accordance with the guidance below;

Where in accordance with subsection (1) a pupil has been wholly or partly excused from receiving religious education or from attendance at religious worship and the local education authority are satisfied—

- (a) that the parent of the pupil desires him to receive religious education of a kind which is not provided in the school during the periods of time during which he is so excused,*
- (b) that the pupil cannot with reasonable convenience be sent to another community, foundation or voluntary school where religious education of the kind desired by the parent is provided, and*
- (c) that arrangements have been made for him to receive religious education of that kind during school hours elsewhere,*

Any alternative provision that is sought shall, in accordance with The School Standards and Framework Act 1996, but shall not be at the expense of the Academy.

- (a) Arrangements under subsection (5) 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.*

Additionally, following advice and guidance from Durham SACRE it will not be the responsibility of the Academy to plan, mark, assess or provide resources, thus creating additional workload for teachers and/senior leaders. This expectation will be met by parents.

Should a withdrawal request be submitted and the above criteria have been met, the Academy will;

- a) Arrange for the supervision of the pupil in the Library to ensure their health, safety and well-being whilst on site,
- b) Pupils will complete work as set by parents, that will meet the legal requirements of the basic R.E. curriculum,
- c) Arrange for work to be collected by parents at no inconvenience to them,
- d) A student's attendance will not be affected by their leave from school to attend an alternative provision during the school hours,
- e) Without enriching upon the withdrawal request (where possibly, i.e. school trips) a pupil's withdrawal will not affect the equal opportunities afforded to that pupil whilst in attendance at the Academy.

ⁱ <http://www.legislation.gov.uk/ukpga/2002/32/section/80>

ⁱⁱ <http://www.legislation.gov.uk/ukpga/1998/31/schedule/19>

ⁱⁱⁱ <http://www.legislation.gov.uk/ukpga/1996/56/section/375>

^{iv} <https://www.gov.uk/government/publications/academy-and-free-school-funding-agreements-single-academy-trust>

^v <http://www.legislation.gov.uk/ukpga/1998/31/section/71?view=plain>