

# Exercise of right of withdrawal

## Section 46

The parental right to withdraw a child from receiving RE should be freely exercisable and a school must give effect to any such request. Parents are not obliged to state their reasons for seeking withdrawal.

## Section 47

The law does not prescribe how religious education should be taught or organised in schools. LEAs and schools should bear in mind, however, that the way in which RE is organised must reflect the duty to teach the agreed syllabus or what is provided according to a trust deed, and that parents must be enabled to exercise their rights to request that their child should be excused from RE. This should not cause problems if RE is taught as a separate subject; but particular care will be needed to ensure that parents are able to exercise this right where schools, including primary schools, teach RE in an integrated form along with National Curriculum subjects (from which there is no right of withdrawal).

## Section 83

The parental right to withdraw a child from attending collective worship should be freely exercisable and a school must give effect to any such request. Parents are not obliged to state their reasons for seeking withdrawals.

## Section 84

The right of withdrawal from collective worship would normally be exercised through the physical withdrawal of the pupil from the place where the act of worship is taking place. Indeed the school could insist that this is the way the right is to be implemented. If, however, both the parent and the school agree that the pupil should be allowed to remain physically present during the collective worship but not take part in it, nothing in the law prevents this.

## Section 85

Experience suggests that, to avoid misunderstanding, a headteacher will find it helpful to establish with any parent wanting to exercise the right of withdrawal:

- The elements of worship in which the parent would object to the child taking part;
- The practical implications of withdrawal; and
- Whether the parent will require any advanced notice of such worship, and, if so, how much.

# Education Reform Act

## Section 46

There will be occasions when spontaneous enquiries made by pupils on religious matters arise in other areas of the curriculum. Circumstances will vary, but responses to such enquiries are unlikely to constitute RE within the meaning of the legislation and a parent would not be able to insist on a child being withdrawn every time issues relating to religion and spiritual values were raised.

## Section 49

Experience suggests that, to avoid misunderstanding, a headteacher will find it helpful to establish with any parent wanting to exercise the right of withdrawal:

- the religious issues about which the parent would object to his or her child being taught;
- the practical implications of withdrawal;
- the circumstances in which the school can reasonably be expected to accommodate parental wishes (paragraph 48); and
- whether the parent will require any advanced notice of such R.E. and, if so, how much.

## Section 83

Where the parent of any pupil who is a boarder at a maintained school requests that the pupil be permitted to attend worship in accordance with the tenets of a particular religious denomination on Sundays or other holy days, or to receive religious education in accordance with such tenets outside school hours, the school's governing body shall make arrangements to allow the pupil reasonable opportunities to do so. These arrangements may be provided for on school premises, but are not to entail expenditure by the LEA or, in the case of a grant-maintained school, its governing body.

## Section 84

A school continues to be responsible for the supervision of any child withdrawn by its parent from collective worship.

## Alternative worship for pupils that have been withdrawn

### Section 88

Nothing in the law prevents any maintained school from allowing, at parents' request and where they have withdrawn pupils from statutory provision, religious education to be provided or religious worship to take place according to a particular faith or

denomination. Governing bodies and headteachers should seek to respond positively to such requests from parents:

- unless the effect would be that denominational worship replaced the statutory non-denominational collective worship;
- provided that such arrangements can be made at no additional cost to the school
- provided that the alternative provision would be consistent with the overall purposes of the school curriculum set out in section 1 of the 1998 Act