

Agenda

Standing Advisory Council on Religious Education

Thursday, 9 June 2016, 2.00 pm
County Hall, Worcester

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Standing Advisory Council on Religious Education
Thursday, 9 June 2016, 2.00 pm, County Hall, Worcester

Membership:

Group A (Representatives of Christian and other faiths)

Mrs L Thorne (Ba'hai - Chairman), Mr G Bounds (Free Church Representative), Mrs T Khawaja (Muslim), Dr J Lally (Roman Catholic), Mrs C Parker (Methodist) and Dr Y Stollard (Jewish)

Group B (Church of England Representatives)

Ms S Boulter, Mrs T Lister and Ms K Poole

Group C (Representatives of Recognised Teachers Associations)

Mr J Allison and Mr C Giles

Group D (Elected representatives of the Local Authority)

Mrs S Askin, Mr I Hopwood (Vice-Chairman) and Mr R C Lunn

Co-opted Representatives

Ms E Hill (University of Worcester) and Ms A Hooper (Humanist Representative)

Agenda

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All the above reports and supporting information can be accessed via the Council's website.

Date of Issue: Friday, 27 May 2016

Item No	Subject	Page No
	<p><u>Background information</u> http://schoolsweek.co.uk/high-court-rules-against-morgan-over-misleading-and-false-claims-about-new-religious-studies-gcse/</p> <p><u>Full Judgement</u> http://www.natre.org.uk/uploads/R-Fox-v-SSfE-2015-EWHC-3404-Admin-251115.pdf</p>	
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11	Any Other Business	
12	<p>Future Meeting Dates</p> <p>Tuesday 4 October at 2pm at County Hall, Worcester</p>	

Standing Advisory Council on Religious Education

Wednesday, 16 March 2016, County Hall, Worcester - 2.00 pm

		Minutes
Present:		Mrs Lindsay Thorne (Chairman), Mr Ian Hopwood (Vice-Chairman), Karen Bubb, Mr Graham Bounds, Mr Chris Giles, Mrs Christine Parker and Ms Kerry Poole.
Also attended:		Kate Griffiths, Barry Newton, Stephen Pett and Jack Symes.
539	Apologies for Absence and Substitutions	<p>Apologies were received from Sue Askin, Stephanie Boulter, Ellie Hill, Tasnim Khawaja, John Lally, Tracy Lister, Robin Lunn and Yvonne Stollard.</p> <p>Karen Bubb attended for Ellie Hill.</p> <p>Jack Symes, a trainee teacher from Birmingham University attended the meeting as a visitor.</p>
540	Declaration of Interests	None
541	Confirmation of the Minutes	<p>The minutes of the meeting held on 21 October 2015 were agreed to be a correct record of the meeting and were signed by the Chairman.</p> <p>It was suggested that a thank you be sent to Norman Mills for all the work he did with SACRE before he took on his missionary work in London. The members agreed that this should be done.</p>
542	Babcock	<p>Barry Newton, Schools Manager for school improvement, explained that the Learning and Achievement section of the Local Authority had been commissioned out to Babcock on 1 October 2015. There had previously been some discussion as to whether SACRE would be included in the Commissioning process but it had since been established that SACRE had been included.</p> <p>Previously the Local Authority had given a budget to SACRE – the majority of which had been given to RE Today for an advisor. Barry had asked Babcock how it wished to support SACRE in future and due to the small size of the Learning and Achievement Section (now 7 where it had originally been 70) and the lack of any internal expertise, Babcock had agreed that they would</p>

extend the contract with RE Today for a further year for 2016/17.

In April 2015 the Local Authority had allocated SACRE £8,000 and after the RE Today contract had been paid, £3,414 had been left unspent as at 1 October. However all the money from different budgets had been put together and given over to Babcock as one pot and at no point had the County Council specified that £3414 should go to SACRE. Babcock had since made the decision that the money should not be returned to SACRE. The room and support from Democratic Services would continue to be provided by the Local Authority and any expenses can be put through to Babcock and may be paid.

Barry also pointed out that under the Fairer Funding agreement the Government had shown it would support school improvement being separated from Local Government and this fits in with the move to ensure all schools were academies by 2020. This would mean that SACRE would not have the same responsibilities next year.

The Chairman told the meeting that the money had been allocated to go towards the training of teachers to set up a sustainable network of support groups in an arrangement of local hubs. This had been proposed by RE Today at previous meetings. All the members agreed that they supported this idea.

The Chairman proposed that she write to the Leader of the Council on behalf of SACRE to point out that the Local Authority had allocated the money to SACRE in April 2015 and any alteration to that budget should have been discussed under the democratic process by the County Council and SACRE. In October SACRE had not been listed as part of the Commissioning process and therefore SACRE had no reason to believe the budget was not still available until the money had been asked for in March.

RESOLVED that SACRE unanimously supported the suggestion of writing to the Leader of the Council regarding the budget situation and how the commissioning process had affected SACRE.

Stephen Pett clarified that RE Today had agreed that in 2016/17 they would support 3 SACRE meetings, three network meetings - 2 for primary schools and 1 for secondary; they would run 2 conferences - one for primary/middle schools and one for secondary; and

543 CPD for Schools

would keep SACRE up to date with national issues.

As part of their 2015/16 contract they had organised the following;

Conferences

Two primary conferences would take place on 7 and 8 June at Worcester Racecourse and at Whitecross School. The focus would be on the Agreed Syllabus with Primary Teachers volunteering to pass on good practice. The conference would run partly like a teach meet.

There was some discussion about whether it would be useful for faith representatives to be present at the conferences and a teacher member of SACRE pointed out that it would be most useful to be able to get faith representatives into schools so that pupils could work on their questioning skills. Stephen pointed out that most people would need training to be able to go into schools but a pack being prepared by Tracy Lister was a start towards identifying appropriate local people. Graham Bounds agreed that he would be willing to go into schools.

The Secondary Conference would be held on 23 June at Bransford as it was a joint conference with Herefordshire, and would also support the syllabus and help schools prepare for exams.

The Chairman asked if the University and Babcock would help with advertising the conferences.

Network meetings

Network meetings had taken place at 2 primary schools – St Georges and Whittington.

Special RE

There was a conference for special schools being organised for 11 October.

544 GCSE Head of Department Conference

Heads of RE had been invited to a conference held at South Bromsgrove High School. The aim of the conference was to support colleagues now that academic rigour had increased. It was an interactive day and gave teachers new ideas about how to teach as well as giving them the opportunity to meet publishers, RE organisations and exam boards.

Chris Giles explained that 33 Heads of RE attended and were able to share ideas and they also worked on producing schemes of work. The attendees found the conference was particularly helpful for this year with the changes to the exam syllabus.

Next year it may be possible to combine this conference with the one organised by RE Today.

545 RE Exam Results

Chris Giles had looked at the exam results for GCSEs and A levels compared to the national figures. Worcestershire was doing well compared to the national figure – 80% of schools were doing RE which was more than the national figure and although the numbers being entered for the short course GCSE were greatly reduced, the number entered for the full course had increased.

At A level lots of schools were doing RE as an option as they felt there was not enough time in the timetable to fit it in for every pupil. This meant that numbers being entered had fallen but the results had improved.

Some schools were not doing any RE due to leadership teams feeling English, Maths and Science were more important because that was what they were graded on. This situation was a concern to SACRE members so it was agreed that this should be discussed at the next SACRE meeting with the suggestion that SACRE write to certain schools to ask if there was any way they could support the school to fulfil its legal obligations to provide RE.

RESOLVED that at the next meeting SACRE would discuss actions that could be taken to support schools who offered little or no RE.

546 Future Projects

Excellent RE

It had been hoped that the remaining SACRE funding could have gone towards training teachers and setting up the hub model of clusters to support RE Teachers. The plan involved an initial three and a half days training after which the model would have been self-sustaining. Unfortunately now the money was no longer available it would not be possible to provide the training.

Youth SACRE

This would be helpful to enable schools to fulfil their community cohesion responsibilities but it would not help

547 National RE Update

to support teachers. As there was now no extra funding for additional work, SACRE would not pursue this at present.

Funding Applications

None at present.

NATRE Primary and Secondary RE Survey

The Primary survey was open until the end of March. The results of the secondary survey show that some schools do not meet their legal or contractual requirements for RE. The GCSE full course was very popular with schools but there had been a rapid decline in the numbers taking the short course. Teachers reported that they had received little subject specific training in the last year.

Major reports into RE

'A New Settlement: Religion and Belief in Schools', 'Living with Difference' and 'RE for Real' all support the place of RE in schools and the way it prepared pupils for life in modern Britain.

'The RE Council Commission: Review of the legal and wider policy framework for RE' had been set up following the above reports. The evidence would be collected with a final report due in mid-2018.

Judicial Review 2015

A high court judgment had ruled that GCSE RS 'may fulfil the legal requirement for RE but does not necessarily do so'. It went on to say that 'the state must accord equal respect to different religious convictions and to non-religious beliefs ...although it does not require equal air-time to be given to all shades of belief or conviction'.

RE Today would make any necessary changes to the agreed syllabus.

RE Teacher Training

There had been an increase in the numbers applying to train as RE teachers following the RECs 'Beyond the Ordinary' campaign.

548 Feedback from Members

A report was tabled from Yvonne Stollard which gave details of:

549 Future Meeting Dates

The Worcestershire Interfaith Forum which organised its second Holocaust Memorial Day at the Hive on 27 January. The Forum was also planning a picnic at Holland House on 5 June.

Feedback was also given regarding the Conference for Jewish Representatives which took place in December 2015.

Meeting dates for 2016:

Thursday 9 June 2pm
Tuesday 4 October 2pm

The meeting ended at 4.30 pm

Chairman



High Court ruling on Religious Education

Legal guidance on what it means for local authorities, academies,
schools, teachers, Agreed Syllabus Conferences, and SACREs

Dr Satvinder Juss
Professor of Law
King's College London

Summary and background

1. A ruling by the High Court in November 2015 in a case brought by three families against the Department for Education has extensive implications for the way religious education is taught in schools without a religious character. This legal note is intended to help local authorities, academies, schools, teachers, Agreed Syllabus Conferences, and SACREs understand the law as set out in the judgement and their duties in relation to it. It has been prepared with input from the lawyers who won the case.
2. The High Court ruled¹ that the Department for Education had made ‘an error of law’ in its specification of content for the new GCSE Religious Studies (RS) for English schools.² The error was in asserting that teaching the new RS GCSE would meet the legal requirements for the provision of Religious Education (RE) in general, and the consequent implication that it could therefore be used by schools as the entirety of their RE teaching at Key Stage 4.
3. The High Court said this assertion was unlawful because statutory RE in schools without a religious character must be ‘objective, critical and pluralistic’ and a syllabus that covered religions in detail but did not give pupils the opportunity to learn similarly about a non-religious worldview such as Humanism would not meet this requirement. As the judgement states:

‘the state has a duty to take care that information or knowledge included in the curriculum is conveyed in a pluralistic manner... the state must accord equal respect to different religious convictions, and to non-religious beliefs; it is not entitled to discriminate between religions and beliefs on a qualitative basis; its duties must be performed from a standpoint of neutrality and impartiality as regards the quality and validity of parents’ convictions.’

(Paragraph 39)

4. In what follows we explain what the implications of this clarification of the law are for those who set RE syllabuses and/or teach RE.

What does this mean for RE at Key Stage 4?

5. The Court said the Government’s claim that the RS GCSE could form the entirety of a Key Stage 4 RE course was ‘false and misleading’ and would encourage others to act unlawfully³. This was because such a syllabus might not include non-religious worldviews

1. R (Fox) v Secretary of State for Education [2015]: <https://www.judiciary.gov.uk/wp-content/uploads/2015/11/r-fox-v-ssfe.pdf>

2. The Religious Studies GCSE Subject Content, February 2015: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/403357/GCSE_RS_final_120215.pdf

3. Paragraph 81.

to the extent required under the law for RE as a whole to be neutral, impartial, and pluralistic. It would not even be adequate to balance the GCSE with teaching about non-religious beliefs in earlier key stages. The judge said:

'...it is obvious that GCSE is a vitally important stage in the development of a young person's character and understanding of the world. I do not consider it could be said that a complete or almost total failure to provide information about non-religious beliefs at this stage could be made up for by instruction given at earlier stages.' (Paragraph 78)

6. The Government was required by the judge to clarify that using the RS GCSE as the entirety of the key stage 4 RE course might not be enough to fulfil the statutory requirements for RE. It has now done this. Technically this would mean that schools would have to provide additional teaching on non-religious worldviews alongside the GCSE course in order to meet those statutory requirements (see paragraph 8.d. below).'

What does it mean for RE syllabuses and teaching more generally?

7. As a statement of the current law, the judgement has significant implications for RE syllabuses in schools without a religious character:
 - a. RE syllabuses remain bound by the statutory requirement set out in the Education Act 1996 that they 'reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking account of the teaching and practice of the other principal religions represented in Great Britain'. However, the phrase 'principal religions' now has to be read as including non-religious worldviews and includes Humanism.⁴
 - b. The legal requirement for RE to be 'objective, critical and pluralistic'⁵ in line with the state's 'duty of impartiality and neutrality' means that non-religious worldviews cannot be excluded but it does not mean that strict 'equal air-time' must be given to all religions and non-religious worldviews. As outlined in 7.a. above, it is still acceptable in law for syllabuses to give more attention to Christianity than to other worldviews, religious or otherwise. Similarly, a syllabus may give more attention to a religion or non-religious worldview that has a particularly high local following or relevance. As the judgement states, 'an RE syllabus can quite properly reflect the relative importance of different viewpoints within the relevant society... region or locality'.⁶
 - c. What the law does require, however, is that 'equal respect' be given to different religions and non-religious worldviews. For example, an RE course which provides for the study of religions of a small size or little relevance without giving comparable attention to non-religious worldviews of the same or a greater size or relevance will be unlawful. The judgement states that a syllabus that 'give[s] priority to the study of religions (including some with a relatively very small following and no significant role in the tradition of the country) over all non-religious world views (which have a significant following and role in the tradition of the country)'⁷ would be unlawful. Such a syllabus would not afford 'equal respect', would not be pluralistic, and would therefore be unlawful.

4. Paragraph 22, citing section 3 of the Human Rights Act 1998.

5. Paragraph 31(5) and *passim*.

6. Paragraph 74.

7. Paragraph 77.

What does this mean in practice?

8. The need to accord equal respect means:
 - a. other than in the case of 7.b., above, if at any key stage it is compulsory to systematically study a module on one or more of the principal religions other than Christianity, then it should also be compulsory to systematically study a module or modules on one or more principal non-religious worldviews (which in practice means Humanism);
 - b. similarly, if there is an option to study a module or modules on one or more principal religions, the choice should include a module or modules on one or more principal non-religious worldviews;
 - c. if there are thematic modules, those modules should include or allow for the study of principal non-religious worldviews to the same extent as any of the non-Christian principal religions;
 - d. at Key Stage 4, given (as explained in 6. above) that the examination boards' new GCSE courses will almost certainly not (owing to the new Department for Education specification) provide for the study of non-religious worldviews in the way specified in 8.a, b, and c, the GCSE course cannot be used as the entirety of the RE syllabus. Technically, additional teaching on non-religious worldviews would have to be provided alongside the GCSE, and agreed syllabuses cannot simply direct schools to follow the GCSE or a similar accredited qualification as the specified content for Key Stage 4. This is obviously not an ideal situation, but it is, regrettably, the unavoidable consequence of the relegation of non-religious worldviews in the GCSE specification by the Department for Education.
9. Schools that are legally obliged to follow their locally agreed RE syllabus must go on teaching that syllabus. However, schools should provide additional content on non-religious worldviews if their local syllabus does not include non-religious worldviews to the extent outlined above.
10. Schools without a religious character that are not bound to follow their locally agreed syllabus have responsibility for ensuring that the RE they provide properly reflects the

law as set out in the judgement. If such a school's syllabus does not include non-religious worldviews to the extent outlined above, the school should take steps to revise it.

11. Agreed Syllabus Conferences must take steps to ensure that their syllabuses include non-religious worldviews to the extent outlined above. Local authorities advised by their Agreed Syllabus Conference to adopt a syllabus that does not meet these standards should refer the draft syllabus back to their Conference. SACREs should take note of the legal requirements for RE in their deliberations and the advice they provide.

Humanism

12. About half the population regularly say they have no religion.⁸ Humanism is the non-religious worldview most relevant to the legal requirement, as it has a significance in the history, culture and present-day life of Great Britain as great as or greater than that of any of the non-Christian principal religions. In terms of followers, 6% of people identify as being not just non-religious but humanist (YouGov, 2014),⁹ more than those who identify as Muslim, Jewish, Buddhist, Sikh, or Hindu. Around 36% hold the humanist worldview (IpsosMori, 2007).¹⁰ There are more humanist funerals in Britain than there are of many minority religions, and more humanist weddings than there are of any non-Christian religion (in Scotland, there are more humanist marriages than Roman Catholic or Church of Scotland marriages). There is a strong humanist movement in Britain and Humanism is well articulated, with numerous books both popular and learned. Humanists from George Eliot to Bertrand Russell, David Hume to David Attenborough have been enormously influential in the formation of British culture. Therefore, to the extent that Humanism is the most prominent non-religious worldview in Britain, a syllabus that excluded detailed study of Humanism but included such study of minority religions would almost certainly be unlawful.

Dr Satvinder Juss

Professor of Law
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28 April 2016

8. British Social Attitudes: see <https://humanism.org.uk/campaigns/religion-and-belief-some-surveys-and-statistics/the-british-social-attitudes-survey/>

9. YouGov/British Humanist Association, November 2014.

10. Ipsos MORI/British Humanist Association, November 2006 - see <https://humanism.org.uk/campaigns/religion-and-belief-some-surveys-and-statistics/>

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The Advice of Dr Satvinder Juss, King's College, University of London re: the High Court ruling on Religious Education

We have spoken to the DfE and can confirm that, it is not for the British Humanist Association to issue legal guidance to schools, that the BHA document has no official status and is inaccurate. The DfE has confirmed that the guidance published in December is still correct (to access the guidance go to: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/488477/RS_guidance.pdf).

Likewise they state:

“The Judicial Review of the Religious Studies (RS) GCSE was based on a narrow technical point relating to the meaning of a single paragraph in a guidance document for Awarding Organisations. That has been dealt with; and led to the guidance which is linked above. Contrary to the BHA document, the judgment should not be taken as having any broader impact on any religious education curriculum or the RS GCSE subject content in either faith or non-faith schools.”

Recently clerks to SACREs, professional officers to SACRE, schools and academies will have received a mailing from the British Humanist Association that has an attachment with the title:

High Court ruling on Religious Education

Legal guidance on what it means for local authorities, academies, schools, teachers, Agreed Syllabus Conferences, and SACREs.

The publication comes directly from Professor Juss, Kings College, University of London in light of his understanding of the High Court judgement of Mr Justice Warby of 25th November, 2015.

It is important to recognise that the judgement by Mr Justice Warby was answering a specific point. The claim was that The Assertion made in the 2nd paragraph of the Religious studies GCSE subject content that was published in February 2015 was unlawful. The contested 2nd paragraph states, “By setting out the range of subject content and areas of study for GCSE specifications in religious studies, the subject content is consistent with the requirements for the statutory provision for religious education in current legislation as it applies to different types of school.”

In making his judgement on this specific question Mr Justice Warby said: I have no doubt that an RS GCSE specification consistent with The Subject Content could satisfy the state’s legal obligations. The question however, is whether it is true to say that such a specification will satisfy those obligations. The answer to that question is no; and it follows that in my judgment The Assertion is materially misleading.” (para 68)

To explain his judgement Mr Justice Warby, in paragraph 74, adds the following words: ‘...the complete exclusion of any study of non-religious beliefs for the whole of Key Stage 4, for which the Subject Content would allow, would not in my judgment be compatible with A2P¹.

It is important to note that Professor Juss’s publication is guidance by one lawyer and not the statutory requirement as set out in current legislation. SACREs and ASC would normally consult their local authority’s legal services on matters such as these.

¹A2P1 relates to: Human Rights Act 1998, of Article 9 of the Convention (Freedom of thought, conscience and religion) and Article 2 of the First Protocol (“A2P1”) (Right to education).

Professor Juss finishes his advice by stating: a syllabus that excluded detailed study of Humanism but included such study of minority religions would almost certainly be unlawful. There are three points to note here:

- a. It is the opinion of Professor Juss that to include minority religions but not Humanism would almost certainly be unlawful. Only a court could decide this.
- b. The guidance appears to be discouraging agreed syllabuses to require the study of a 'minority' religion if Humanism is not to be studied. The legislation is clear that RE syllabuses must reflect the fact the religions to be studied are in the main Christianity and the principal religions represented in Great Britain – although what those principal religions are is determined by each Agreed Syllabus Conference.
- c. The implication of the guidance is that there will be a systematic study of any religion as a requirement of an agreed syllabus. This does not follow.

According to our latest communication from the DfE (20th May, 2016), Mr Justice Warby's judgement does not have broader impact on any RE curriculum, especially as it was explicitly confined to Key Stage 4. Whilst an ASC may wish to include the study of a non-religious world view, Professor Juss's statement: 'if there is an option to study a module or modules on one or more principal religions the choice should include a module or modules on one or more principal non-religious worldview's' does not follow from the judgement.

An agreed syllabus could make it explicit that in any module on a religion there should be critical engagement with the material and issues should be raised and explored as to the truth and worth of what the religion claims or asserts within a context of mutual respect. This would satisfy the expectation of the judicial review that non-confessional education about religions needs to be 'critical and pluralistic'. This is not the same as having the requirement to have a module on a non-religious worldview, such as Humanism, to sit alongside modules on the principal religions represented in Great Britain. Professor Juss appears to be arguing that a non-religious worldview should have equality of time with specific religious traditions, something that the judicial review specifically rules out (see paragraph 74 of the High Court judgement).

SACREs and ASCs might wish to note Professor Juss's guidance, but there is no compulsion to act upon it.

David Hampshire
Chair of NASACRE

Dilwyn Hunt
Chair of AREIAC

National RE Update; Worcester SACRE, June 2016

Understanding Christianity: major new project material launched

A significant resource to support teaching and learning about Christianity was launched on 26 May. For more details, see www.understandingchristianity.org.uk 29 Units of work from EYFS to Y9, providing a coherent approach across the age range and substantial resources. Access is via training – see website for details

Words beyond words: inspiring religious literacy

Joint conference on 8-9 October 2016, organised by National Association of Teachers of RE (NATRE), Association of RE Inspectors, Advisers and Consultants (AREIAC) and Association of University Lecturers in RE (AULRE). It has been designed to bring together the wider RE community, from classroom teachers to inspectors, trainee teachers to renowned academics and everyone in between.

The conference will explore religious literacy, good practice in RE, and address subject knowledge needs for all stages.

- What does good RE look like? How can it be supported?
- How can religious literacy be developed in the classroom?
- What knowledge do teachers need?
- What does a religiously literate pupil know and understand?
- British Values: What does RE contribute to the agenda?

<http://www.natre.org.uk/courses-events/upcoming-courses-events/words-beyond-words-inspiring-religious-literacy-conference/>

Religious Studies examinations update

As at 17 May 2016, the following specifications have been accredited for starting teaching in September 2016:

- AQA GCSE and A level specifications
- Eduqas/WJEC GCSE and A level specifications
- OCR GCSE and A level specifications
- Pearson/Edexcel A level specifications have been accredited. The 4th submission of GCSE full course specifications are due to reach Ofqual on 27 May and the 3rd submission of GCSE short course specifications due to reach Ofqual on 3 June.

RE Council for England and Wales: Commission on Religious Education

The RE Council are proceeding with their commission on RE. The commission's purpose is to review the legal, education and policy frameworks for RE, by a wide-ranging, inclusive and evidence-based process designed to inform policy makers about these areas.

The ultimate aim will be to improve the quality and rigour of religious education and its capacity to prepare pupils for life in modern Britain. Independent commissioners are being appointed. The timeline looks to have a midway report next summer and a final report in summer 2018. The Commissioners will look at a wide range of evidence and explore key questions of concern in RE, including the nature, purpose and scope of RE, legal structures, teaching and learning, ITT, CPD, right of withdrawal etc.

Stephen Pett

RE Today for Worcestershire SACRE

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