

THE RELIGIOUS DIMENSION OF THE EDUCATION REFORM ACT 1988

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"I believe that in the years to come it will be the best thing this government has done and one of the best things any government has done in this century."

Lord Longford, Parl. Debs., H.L., 7 July 1988, col. 1438.

"The head is going to be in a dilemma very, very soon indeed. Therein lies a recipe for mayhem".

Mr John Swallow (Member of General Synod), Times, 28 February 1989.

"The Law cannot impose morality or religious faith but it can recognise the bedrock of society. If we pass these amendments that is all we will be doing".

Mr Patrick Cormack, M.P., Parl. Debs. H.C., 18 July 1988, col. 831.

The Education Reform Act 1988 has recast the face of state education in England and Wales, and one of its most striking effects is the re-establishment of Christianity as the norm for religious education and worship in state schools. Parliament has challenged the prevailing ethos of materialism and the assumption of pluralist society that every faith and none are all of equal value for children who will be growing up in the Britain of the early 21st century. Not surprisingly the provisions of the Act on religious education and worship have produced very differing reactions, not least from church people.

Criticism seems partly to be a reflex reaction against new law which contradicts the prevailing orthodoxy in school religious education. There also seems to be a tactical protest, designed to try and gain more resources for teaching the subject.¹ It was precisely a concern that religious education had become a "cinderella" subject at schools which motivated many of those who pressed for the new provisions. A main aim of the government in promoting the Act was to lay down a new framework of essential subjects so as to ensure a sound basic education for all children. Unless religious education was put on a par with the major subjects which were to be required in schools, it could rapidly have lost such funds as were given to it before the Act, and could soon virtually disappear.

The statistics of the number of staff available at present to provide religious education are not clear cut. Although there may be an inadequate number of properly qualified teachers, there are also indications that teachers who are qualified, or who would be keen to obtain extra qualification in the area, are not being used by head teachers who do not like the subject or who wish to strip it of any explicitly Christian content.² Many who support the new legal provisions and many who dislike them will doubtless agree that more resources are needed if they

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1. Press conference of the National Association of Head Teachers when it issued its members with "Education Reform Act 1988 Guidance Notes. Religious Education and Collective Worship"; Reported in the Times and the Guardian, Tuesday 28 February 1989. See also Times Educational Supplement, 3 March 1989, Bert Lodge, "Assembly rules a recipe for chaos say heads". In January the Secondary Heads Association had produced an Occasional Paper on Collective Worship which was also unfavourable to the legislation.
 2. The influential "Swann Report" found religious education generally to be regarded as a "poor relation" subject; "Education for All", Report of the Committee of Inquiry into the Education of Children from Ethnic Minority Groups, 1985, Cmnd, 9453, p.233. For an analysis of the actual provision of religion in schools see Religious Education Council of England and Wales, "Religious Education; Supply of Teachers for the 1990s", 1986, and John Burn and Colin Hart, "The Crisis in Religious Education", 1988, The Educational Research Trust.

are to be complied with satisfactorily. In the meantime the Act gives those who are concerned for the future of religious education in England and Wales a firm handle for demanding a realistic share of limited resources.

Ironically those who have criticised the religious content of the 1988 Act as unworkable through lack of funds, also seem to assume that it will be too successful in upgrading religious education and will threaten members of minority faiths, or even that it could be used as a blueprint for indoctrination.³ By contrast, at least some leading representatives of the Jewish and Muslim faiths have welcomed the strengthening of the specifically Christian element in schools as supporting a general respect for spiritual values. On this view provisions which may result in separate teaching and worship for different religious groups, but within the same school, are not divisive, but enriching of the life of the school.⁴

The Act builds upon the powers of parents to influence the character of all schools, strengthening the opportunities for parents to choose the school where their children are to be educated and to elect governors with increased powers.⁵ Under the Education Act 1944, state schools, generally, were required to provide both religious instruction and collective worship. Together these were regarded as constituting religious education. However denominational schools, usually Anglican or Roman Catholic, were permitted to provide a more specifically Christian ethos within the state system. A second major aim of the government in the 1988 Act is to give greater autonomy within the state system, by allowing local authority schools to opt for direct central government maintenance. From the point of view of the churches, these arrangements pose special problems, but also opportunities. Church schools could lose their Christian ethos. On the other hand a non-church school could take on a more definitely Christian character.

This article seeks to summarise the provisions of the new Act concerned with religious education and worship in the various types of state school. To what extent does the Act introduce confusion or impose unrealistic requirements on teachers? Does it create an effective framework for safeguarding the opportunities of children to learn about their Christian heritage and the meaning of the Christian faith? Does it ensure that children will have a reasonable opportunity of growing up in school communities centred on a spiritual ethos expressed in regular Christian worship? What rights are built in for parents, teachers, or others, who either wish to uphold Christian education, or positively object to it? Where the Act creates machinery for individual schools to change their status, what impact may this have on their spiritual character if they do change?

1. THE ENGLISH SCHOOL SYSTEM

The Education Act 1944 envisaged primary and secondary stages of education. Originally the main alternatives were grammar and secondary modern

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3. E.g. views recorded by Jemima Gibbons in, "Sacred Blues" (Worship in a multi cultural society). School Governor, 10 March 1989, p. 7, and the reactions of the two associations of head teachers referred to in note 1 above.
 4. Parl. Debs., H.L., 3 May 1988; Committee on the Education Reform Bill, e.g. col. 418, Lord Jacobovits, the Chief Rabbi, and col. 515, Lord Buckmaster.
 5. Education Act 1980, especially ss. 2,6,7 and 8; Education (No. 2) Act 1986; Education Reform Act 1988, Chapter II.

schools with selection of pupils according to academic ability at the age of 11.⁶ These have now largely been superseded by unified comprehensives. However the provisions for religious teaching and worship in state schools are not related to these divisions in education but to the distinctions between ordinary local authority, that is, “county schools”, and others.

State schools in England and Wales are known as “maintained schools”. The normal form is the county school which was originally set up, or has been acquired by, a local authority.⁷ Where there is a County Council, that will be the local education authority. Elsewhere, outside London, the local education authority will be one of the unitary District Councils which were created under the Local Government Act 1972, at the same time as the six large, but short lived, Metropolitan Counties.⁸ In London, schools were the responsibility of the Inner London Education Authority, a special body covering a rather smaller area than the Greater London Council.⁹ The Education Reform Act 1988 was used to abolish the Inner London Education Authority and transfer its powers to individual London Boroughs.¹⁰

When a free, unified, system of state education was created under the Education Act 1944, special arrangements were made for the schools previously run by various charitable bodies, notably by the churches. If their governors so wished, these have remained distinctive as “voluntary schools”. They take three forms. “Voluntary controlled schools”, are entirely state funded and are more fully subject to local authority control. In “voluntary aided” and “special agreement schools”, costs are in variable proportions shared between the state and the school’s own funds.¹¹ Both county and voluntary schools are funded by local education authorities with the support of central government grants and are subject to inspection by a national schools inspectorate under the Department of Education and Science.¹²

A further category of “special school” to provide for “pupils with special educational needs”, was recognised by the Education Act 1944.¹³ These are now regulated under the Education Act 1981, which has been amended by the new 1988 Act, so as to ensure consistency with other schools. Regulations are made for special schools “to secure that, so far as practicable, every pupil attending a special school will attend religious worship and receive education, or will be withdrawn from attendance at such worship or from receiving such education, in accordance with the wishes of his parent”.¹⁴

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6. The distinction between grammar, secondary modern and technical schools was not made in the 1944 Act. For the distinction between primary, secondary and further education, see in particular ss. 7-9. The change to the normal current pattern of comprehensive secondary schools was largely made by Circular. See D.E.S. Circulars 10/65 and 10/66, but c.f. Education Act 1976, repealed by the Education Act 1979. For the general legal framework for English and Welsh schools, see K.P. Poole “*Education Law*”, 1988, Sweet and Maxwell, chap. 2. (with supplement expected to cover the 1988 Act).
 7. Education Act 1944, s. 9(2).
 8. Local Government Act 1972, s.1. Metropolitan County Councils were abolished by Local Government Act 1985, s.1.
 9. The Inner London Education Authority was originally a committee of the Greater London Council, which shared local government functions in London, other than for education, with London Boroughs. It was abolished by Local Government Act 1985, s.1. The Inner London Education Authority survived as a directly elected body until abolished under the Education Reform Act 1988, Part III.
 10. Education Reform Act 1988, Part III, s.162f.
 11. Education Act 1944, Part II, especially ss. 10 and 15.
 12. Education (Grants and Awards) Act 1984 for grants, and Education Act 1944, s. 77 for inspection. Separate arrangements are made for inspection of religious instruction in voluntary schools.
 13. Education Act 1944, s. 9(5), as substituted by Education Act 1981, s.11.
 14. Education Act 1981, s. 12(4), as amended by Education Reform Act 1988, Sched. 1 art. 9. See too Education (Approval of Special Schools) Regulations 1983, S.I. 1983, No. 1499.

The Education Reform Act 1988 introduces a new form of “maintained”, that is state school, designated as “grant maintained”.¹⁵ Grant maintained schools are to be funded directly by central government and will enjoy a greater degree of autonomy than local authority schools. The 1988 Act makes complex provisions to safeguard the position of religious teaching and worship in local authority schools which opt to become grant maintained.¹⁶

The combined effect of the 1944 and 1988 Acts is that religious teaching and worship will continue to be required in all state schools in England and Wales. This requirement will include children above the minimum school leaving age who are still receiving full time education in a school rather than a college of further education. The teaching of religion will normally now give specific recognition to Christianity as the national religion, even in schools which have largely non-Christian pupils and staff. However the change in emphasis in the new Act makes clear that the purpose of this teaching is to provide children with a sound basis for making their own judgements on religious questions and, except in denominational schools, not to foster faith. By contrast, worship involves the practice of religion. Here the new dispensation affirms that Christian worship is to be the norm but makes full provision to recognise the special needs and desires of those of other faiths.

To complete the picture, many independent schools in Great Britain are Christian foundations and provide both Christian education and worship. However this was not required of them by the 1944 Act. The new basic curriculum for state schools does not apply in independent schools and the changes in the law with regard to religious matters do not apply to them either.

2. RECOGNITION OF THE SPIRITUAL

Section 1(2) of the 1988 Act re-establishes a clear emphasis on the spiritual dimension in life. The curriculum at each maintained school is to be “balanced and broadly based”, promoting “the spiritual, moral, cultural, mental and physical development of pupils at the school and of society”.

This is an impressive sounding declaration, but standing alone it is difficult to see how it could be directly enforceable in any meaningful way through the courts. In fact, the Education Act 1944, already laid a duty on each local education authority “to contribute towards the spiritual, moral, mental and physical development of the community by securing efficient education”.¹⁷

The government’s original Education Reform Bill would have left the spiritual content of the curriculum to be filled in locally. The spiritual is a very vague concept and could be regarded as essentially some sort of moral awareness, or perhaps aesthetic sensitivity. It need not necessarily be associated with any sort of religious insight, let alone a Christian ethos. Without more explanation, the formula could have had no effect, or could have been a recipe for confusion and conflict at governors’ meetings. Under pressure from individual Christian peers, notably Baroness Cox in the House of Lords, a package of amendments, worked

15. Education Reform Act 1988, Chapter IV, ss. 52-104.

16. *Ibid.*, ss. 84-88.

17. Education Act 1944, s. 7.

out between the Bishop of London and the government, was eventually passed in a form which obtained wide support from all parties in the Lords and a majority in the Commons, despite rearguard opposition from a number of, mainly secular, MPs.

The General Secretary of the influential Head Teachers Association has been one of the most outspoken critics. He has prophesied that “we are going to see a number of test cases in the future when teachers say it is not reasonably practical to comply with the law”.¹⁸ Test cases may be expensive and disruptive for the individuals concerned, but they usually reveal real tensions in society which need to be aired and resolved. If the Act sets standards which need to be filled out by case law, then at least the cases are likely to be funded by education authorities on the one hand and groups of intensely concerned individuals on the other, who may regard the money as well spent. In practice the Act, like other modern public law legislation, gives wide discretion to those who have to make decisions. Given this discretion, and good will, it may well not be so difficult for head teachers to comply with the Law. On the other hand, if they do not make a real effort to do so, concerned parents may now have a realistic prospect of redress.

Legislation may change social attitudes simply by declaring particular values. The Education Reform Act, in its final form, certainly does declare religious, and indeed specifically Christian, values. The original Bill was drafted on the assumption that there was no need to make any new provision for religious education as this was already enshrined in the Education Act 1944.¹⁹ It was obvious at an early stage in Parliament that religious education would in practice be at a severe disadvantage alongside the new National Curriculum subjects, and also that special steps would be needed to safeguard its place in schools which opted to become grant maintained. Negotiation produced amendments in the House of Lords which have given pride of place to religious education as the first element in a “basic curriculum”. The second element consists of the, “National Curriculum”, which in turn is made up of the “core subjects” of maths, English and science and, in Welsh speaking schools, Welsh, together with a larger number of foundation subjects ranging from history to modern language. All this is set out in section 2 of the new Act. It is interesting that the marginal note still reads, “The National Curriculum”, a good illustration of the Parliamentary draftsman failing to catch up with amendments. A correct note would refer to “The Basic Curriculum”.²⁰

With the government ready to accept amendments so as to cover obvious gaps in the Act, there was a golden opportunity to clarify the substance of religious education, and to restore its Christian character. In the event, the provisions dealing with religious education were a compromise worked out with church leaders, particularly the bishops, as the Bill was going through the House of Lords. The 1944 Education Act was passed on the assumption that there was no

18. Times, Tuesday, Feb. 28, 1989.

19. Department of Education and Science and Welsh Office, “The National Curriculum 5-16; a Consultation Document”, July 1987, p.8.

20. John M. Hull “*The Act Unpacked; The meaning of the 1988 Education Reform Act for Religious Education*”, Birmingham Papers in Religious Education, no. 1. 1989, Christian Education Movement, p.5.

need to define religious education as it would obviously be Christian. The Parliamentary debates at that time show that in fact there were considerable misgivings by a number of bishops and lay peers about the omission. The reason that nothing explicit was included then seems to have been so as to avoid court cases between members of different denominations over the meaning of “Christianity”, which would have been damaging to the cause of religion.²¹

Although the new Act redresses the omission of the old by giving prominence to Christianity, it is significant that more concrete touchstones of what is central to the Christian faith are still left out. This may have been because supporters of the amendments were concerned not to offend members of other faiths. However, it may be that those who really object to a specific requirement of schools providing some clear cut introduction to the Bible, or treatment of the person of Jesus Christ, are more likely to be teachers who have devised pluralist or sociological approaches to religion which they feel are threatened.

In any event, the new Act’s detailed provisions, which support a general spiritual dimension to school life, and even more the specific emphasis on Christianity, do appear to be a remarkable achievement.²² It is significant that they have attracted considerable hostility, even though, when looked at in detail, they could only be used very rarely to challenge a head teacher or local education authority which applied them loosely. The most significant effect of the Act may be simply in ensuring that the spiritual dimension of life is not ignored in modern education. The antagonism to the religious provisions in the Act probably results mainly from its reinforcement of school acts of worship.

3. THE MEANING OF RELIGIOUS EDUCATION

The current educational orthodoxy on religious education is expressed in the Swann Report, “Education For All”.²³ This was the fruit of a working party appointed by the Secretary of State for the Department of Education and Science, to consider the low attainment in education of children from ethnic minorities, especially West Indians. The report interpreted the terms of reference widely and dealt with religious education at some length. It distinguished three approaches to religious education.²⁴ The “confessional” or “dogmatic” approach, in its extreme form, amounts to indoctrination. The opposite extreme, the “anti-dogmatic” approach, favoured by secularists, treats religion as a topic which may be studied as a social phenomenon, for example as part of a history syllabus.²⁵ From the point of view of a religious person, this approach may entail its own dogmatism of unbelief. The exclusion of any treatment of religion from the syllabus may seem safer.

The *via media* for religious education, which the Swann Report advocated, is the “Phenomenological” or “Undogmatic” approach.²⁶ Here the emphasis is on “education in the concept of religion and in the range of belief

21. The relevant Parliamentary debates in 1944 are summarised and discussed by John Burns and Colin Hart, “*The Crisis in Religious Education*”, above, note 2.

22. For the Secretary of State’s views on the detailed provisions of the Act, see, “The Education Reform Act 1988: Religious Education and Collective Worship”, 1989, Department of Education and Science Circular 3/89.

23. “*Education for All*”, *supra*, note 2.

24. *Ibid.*, chap. 8, p. 470f. The analysis was drawn from “*Religious Education in Secondary Schools*”, Schools Council Working Paper 36, 1971.

25. For the response of the British Humanist Association to the provisions of the 1988 Act concerned with religious education and worship see “*Teachers and the New Worship Clauses – What You Can Do*”, 1989, British Humanist Association.

26. “*Education for All*”, *supra*, note 2, chap. 4 and 5, especially para. 3.4. A proliferation of terms associated with the phenomenological approach is mentioned in John Hull “*The Act Unpacked*”, *supra*, note 2, p. 12, e.g. “explicit religion”, and “human development”.

systems which exist". Pupils learn about religion by experience. On this approach involvement in acts of worship, particularly of minority faiths, is valuable, although judgement on the merits of each faith must be left to the individual child. The Swann Report put great stress on the need for multi-cultural and multi-faith education to provide a shared basis of understanding for children from all racial backgrounds. In fact, West Indians, whose particular difficulties prompted the Report in the first place, often have a strong Christian tradition.²⁷

Even for groups from essentially secular backgrounds or very different faiths, it is appropriate to give Christianity special emphasis since it has played a major role in British history, and is still an important part of the national culture.²⁸ However, over recent years, many education authorities have adopted syllabuses for religious education following the "phenomenological approach", and have given little attention to Christianity or have treated it merely as a social phenomenon without confronting children with its content. This trend appears to have increased in the wake of the Swann Report.²⁹ It led to a wash of concern from Christian parents and individual teachers outside the main professional hierarchy, resulting in the provisions in the new Act on religious education.

As different religious faiths can be associated with members of different races, the Swann Report saw particular value in all children participating in the worship of minority groups whether represented by fellow pupils or not.³⁰ The concept of religious education under the 1944 Act comprised both instruction, that is classroom time devoted to the subject, and the experience of collective worship. Increasingly, collective worship seems to have been seen as either irrelevant or as an opportunity for demonstrating worships of different faiths as part of the educational experience.³¹ The provisions in the new Act relating to collective worship expressed a reaction to that trend.

4. RELIGIOUS EDUCATION IN COUNTY SCHOOLS

The Education Act 1944 required the provision of both collective worship and religious instruction in all county and voluntary schools.³² It made arrangements to safeguard both parents and teachers who wished to be excluded.³³ Schedule 5 of the 1944 Act provided for the drawing up of special syllabuses for religious instruction on a local basis. No such arrangements were made for any other subject or activity. Now that the new Education Reform Act 1988 lays down the much publicised "National Curriculum", to be covered in all state schools in England and Wales, the contents of this are, at least to some extent, to be determined by central government.³⁴ By contrast, the content of the first part of the "Basic Curriculum", that is, "provision for religious education for all registered pupils at the school", is still determined locally.³⁵

27. "Education for All", *supra*, note 2, p.21.

28. *Ibid*, chap. 8, para. 2.9.

29. John Burn and Colin Hart, "The Crisis in Religious Education", *supra*, note 2, pp. 13-17.

30. "Education for All", *supra*, note 2, chap. 8, paras. 2.5, 3.24f, and 5.

31. "Teaching Religious Education", Education, 18 Nov. 1988, Digest ii.

32. Education Act 1944, s. 25(1) and (2), now repealed, Education Reform Act 1988, Sched. 13, part II.

33. *Ibid*. ss. 25(4), and 30, repealed, Education Reform Act 1986, Sched. 13, part II.

34. Education Reform Act 1988, s.4.

35. *Ibid*, s.2(1)(a).

a.) *Shift from “instruction to education”*

Although the 1944 Act required the provision of “religious instruction”, this term has now been replaced, wherever it used to occur, by the new term “religious education”.³⁶ This alteration is clearly intended to stress that religious education is not to be “confessional”, let alone a form of indoctrination. The specific change of words was foreshadowed in the Swann Report.³⁷ However, “religious education” is now contrasted with “collective worship”, and cannot be taken to comprise both. It is perhaps regrettable that some other uncontroversial term such as “religious studies”, could not have been used to replace “religious instruction”.

In fact the distinction between education and catechising was implicit in the 1944 Act. The original section 26 of that Act provided that, in county schools, religious instruction was to be in accordance with specially agreed local syllabuses, “and shall not include any catechism or formulary which is distinctive of any particular religious denomination”. This clause, designed to protect against indoctrination, originated in the Elementary Education Act 1870. The 1988 Act has substituted a new section 26 in the 1944 Act.³⁸ This reiterates that no syllabus shall provide for religious education to be given “by means of any catechism or formulary which is distinctive of any particular religious denomination”. However, the new Act adds that “this provision is not to be taken as prohibiting provision in (an agreed) syllabus for the study of such catechisms or formularies”. Thus it is clear that teaching the content of Christian doctrine, and especially contrasting classic texts of doctrine, such as the Creeds, the XXXIX Articles or the Westminster Confession, is perfectly proper and cannot be banned as indoctrination.

A local education authority is still expected to make special provision in a county school for “religious education in accordance with the tenets of a particular religious denomination”, to satisfy the desire of parents, so long as the cost will not fall upon the authority and, “unless they are satisfied that owing to any special circumstances it would be unreasonable to . . . provide facilities for carrying out those arrangements”.³⁹

b.) *Local agreed syllabuses*

The procedure for preparing and bringing into operation local agreed syllabuses of religious instruction was set out in section 29, and the fifth Schedule of the 1944 Act. This now applies to the syllabuses for religious education in the new basic curriculum of each maintained school. Under the original procedure, the local authority caused to be convened “a conference”, consisting of four “committees”, representing; “(a) such religious denominations as, in the opinion of the authority, ought, having regard to the circumstances of the area, to be represented, (b)[in England but not Wales], the Church of England, (c) such associations representing teachers as, in the opinion of the authority, ought, having regard to the circumstances of the area, to be represented; and (d) the authority”.

36. Education Reform Act 1988, Sched. 1, para. 3(2).

37. “*Education for All*”, *supra*, note 2, p.471.

38. Education Reform Act 1988, Sched. 1, para. 1(1).

39. Education Act 1944, s.26(2) as amended by Education Reform Act 1988, Sched. 1, para.1(1).

The first committee is now to consist instead of “such Christian and other religious denominations as, in the opinion of the authority, will appropriately reflect the principal religious traditions of the area”.⁴⁰ Thus there is now an explicit recognition of non-Christian denominations and the responsibility of the Church of England to represent the specifically Christian concerns of the local community is highlighted. The general religious committee must not include representatives of the Church of England as this has its own committee.

The combined committees constituting the conference are expected to recommend unanimously a syllabus of religious instruction, although they may recommend different ones for different schools or for different classes and description of pupils. If the conference cannot reach agreement of if the local education authority fails to implement a unanimously agreed report, the Secretary of State is to appoint a substitute “body of persons having experience in religious [education] which shall, so far as is practicable, be of the like representative character (as a conference)”.

The new Act contains extended provisions for introducing amended agreed syllabuses.⁴¹ The procedure is essentially the same as for the original syllabus. However if the conference recommends a new syllabus, the local education authority may only implement it if it complies with section 8(3) of the 1988 Act. This provides that in future local syllabuses for religious education “shall reflect the fact that the religious traditions of Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in Great Britain”.

This formula, balancing Christianity with other major faiths, is one of the key provisions of the Act in Christian terms and helps to lay the foundation for an historic new settlement between Church and State. On the one hand it explicitly recognizes the importance of an understanding of the Christian religion for all children, but, equally, it builds on what are actually Christian virtues of toleration and respect for all people irrespective of race and creed, by requiring that all children should be given some insight into the faiths of others with whom they share society. The new Act endorses the conscience clauses of the 1944 Act, protecting both parents and teachers who may wish to keep apart from religious education altogether for whatever reason. Otherwise it rejects the secularist view that the spiritual dimension should be banned from schools. It favours an honest recognition of the differences between beliefs, instead, for example, of restricting religious education to some bland mixture of very general ideas which may be shared by various faiths. However the new formula only applies where a new syllabus is created, and there is no general requirement for this. Also, although the spirit of the formula clearly encourages pre-eminence for Christianity, it leaves much scope for different approaches in schools.

c.) *Standing Advisory Councils on Religious Education (SACRES)*

The 1944 Act authorized local education authorities to set up standing advisory councils to advise on religious instruction.⁴² Under section 11 of the new Act, these are replaced by mandatory standing advisory councils on religious education (SACRES). These can advise on both religious education and worship. Most significantly, they also have powers of their own. A standing advisory council consists of representative members corresponding to those on the various

40. Education Reform Act 1988, Sched. 1, para. 7(2).

41. *Ibid.*, para. 7(3).

42. Education Act 1944, s. 29(2), repealed, Education Reform Act 1988, Sched. 13, part II.

committees composing a syllabus conference. Members other than those representing the local education authority itself may require a review of the local agreed syllabus for religious education. Thus pressure may be brought to bear for changing existing syllabuses, either by teachers, through the teacher representatives, or by church members, through the church representatives. This may herald future motions in Deanery and Diocesan Synods exerting such pressure.

d.) “*In the main Christian*”.

The formula requiring future religious education syllabuses to, “reflect the fact that the religious traditions in Great Britain are in the main Christian”, and the similar one discussed below, relating to “collective worship”, have infuriated some of the opponents of explicitly Christian content in religious education. Those who pressed for these provisions in the Act have been lampooned as “fanatics”,⁴³ and as a “tribal horde”.⁴⁴ Meanwhile the crusaders for a more pluralist approach have been quick off the press with their own suggestions for avoiding concentrating too specifically on the Christian faith.⁴⁵

The spirit of the formula for new agreed syllabuses may be clear, but the wording is calculated to deter legal action. It will be difficult for any Christian parent to challenge a syllabus, or the content of teaching in a particular school, on the basis that it infringes the Act. “Christianity”, could be treated in a very woolly manner, with little or no attention to the Bible or even to Jesus Christ as a person. Nevertheless the statement that it is a fact that the religious traditions of Great Britain are in the main Christian is a remarkable declaration to find in a contemporary Act of Parliament. In a future age, if one shares the enthusiasm of Lord Longford quoted at the beginning of this article, it could even come to be regarded as a basic statement of values reminiscent of great constitutional documents such as *Magna Carta* and The Bill of Rights!

In practical terms there is considerable scope for parents to call for representatives on syllabus conferences, SACRES and boards of governors, to ensure adequate treatment for the Christian faith. At the moment, church representatives may, in some cases, be amongst the keenest in trying to reduce the explicitly Christian content of religious education. It will be interesting to see how effectively pressure is brought to bear on them, particularly through the synodical structure. The uncertain prospect of an action for judicial review, as a last resort, could ensure that where there is sufficient parental pressure for the spirit of the formula to be complied with, then it will not be blatantly disregarded.

One particularly contentious aspect of multi-cultural and multi-faith teaching for the Christian parent may be when children are involved in worship of non-Christian faiths, and even in practices such as seances and black magic. The Act does not appear to ban such practices and in the last resort a parent’s only means of coping with them may still be to withdraw a child from religious education altogether. Similar concern may arise if collective worship is used as the occasion for such practices.

43. Mr Swallow, quoted in Bert Lodge, *Times Educational Supplement*, 3 March 1988.

44. “Teaching Religious Education”, *supra*, at note 31, p. i.

45. *Ibid*, p. ii, and John Hull, “*The Act Unpacked*”, *supra*, at note 20, p. 9f.

5. RELIGIOUS EDUCATION IN CHURCH SCHOOLS AND OTHER NON-COUNTY SCHOOLS

The 1944 Act provided that, in the three categories of voluntary schools, religious education should be in accordance with their individual trust deeds or should follow the practice before the school became a “voluntary” state school.⁴⁶ As in secular county schools, the new Act changes the reference to “religious instruction”, to “religious education”.⁴⁷ It also incorporates the new concept of religious education as part of the basic curriculum for each school.⁴⁸ However, voluntary schools, including Church of England schools, retain autonomy in arranging their own syllabuses for religious education. Parents of a different persuasion may be expected to send their children elsewhere but usually are entitled to religious education of their choice for their own children at the school, even though they or their church or other religious group may have to pay for it. Schools which become grant maintained by central government will normally retain their previous ethos with regard to religion.

a.) *Voluntary schools*

In “voluntary controlled schools”, the standard local authority religious education syllabus will be taught. The power has been preserved, which was given to parents under the 1944 Act, to request that, in addition, religious education should be provided in accordance with the trust deed or original practice of the school. If there is such a request, the foundation governors “shall, unless they are satisfied that owing to special circumstances it would be unreasonable so to do, make arrangements for securing that such religious [education] is given to (the children of the relevant parents) during not more than two periods in each week”. The section still makes special arrangements for up to one fifth of the staff other than the head teacher in such schools to be “reserved teachers”, who have been “selected for their fitness and competence to give such (special) religious education. . .”⁴⁹

Conversely, section 28 of the 1944 Act continues to provide that in “aided schools and special agreement schools”, the trust deed or original practice will continue to operate, even without a special request from parents, although, here, “Where the parents of pupils in attendance at such 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 any school at which that syllabus is in use; then, unless the authority are satisfied that owing to any special circumstances it would be unreasonable to do so, arrangements shall be made for religious education in accordance with that syllabus to be given to those pupils in the school during the time set apart (for religious education in accordance with the requirements of the basic curriculum)”.⁵⁰

b.) *Grant maintained schools*

The 1988 Act makes detailed provision for religious education in the new category of grant maintained schools. Under section 84, those which were originally county schools are to continue to follow the same provisions for using

46. Education Act 1944, ss. 27 and 28.

47. Education Reform Act 1988, Sched. 1, para 2(1) and 3(2).

48. *Ibid* s.2(1)(a).

49. Education Act 1944, s.27(1) and (6), as amended by Education Reform Act 1988, Sched. 1, para. 2(2).

50. Education Act 1944, s.28, as amended by Education Reform Act 1988, Sched. 1, para.2(3).

the local agreed syllabus as if they were still county schools. As in county schools, special arrangements may be made for denominational education at the school, on the request of parents, provided no extra cost is imposed on the local education authority.

Section 85 of the new Act provides that parents of pupils in voluntary controlled schools which become grant maintained will continue to have the same powers to require religious education under the school's trust deed or in accordance with original practice as under the old regime. Similarly section 86 of the 1988 Act provides that voluntary aided or special agreement schools which become grant maintained will continue to provide religious education in accordance with their original trust deed or practice, subject to parental rights to seek teaching under the local agreed syllabus.

However, under sections 87 and 89, the new Act does allow for the governing body of a grant maintained school to change its religious character, provided the trustees agree in writing, and subject to the approval of the Secretary of State. Such a change may involve the school becoming denominational or changing its denomination. Thereafter religious education will be "in accordance with the tenets of that religious denomination". The meaning of a "denomination" is not clear. It is not tied to Christian denominations and would appear to include any coherent body representing a non-Christian faith or sect. It may be that a denomination would need to be represented by some existing identifiable body of members with some form of corporate legal status, even if only in the form of a trust.

If there are requests for particular existing schools to be representative of new and fringe religious groups, the Secretary of State may be faced with decisions about the merits of such groups, analogous, for example, to those faced by the Charity Commissioners in deciding whether certain religious bodies are charitable. Where requests are made by large minority groups, such as Muslims, there are bound to be objections from those who regard separate education as socially divisive, pointing particularly to the sad conflicts of Northern Ireland.⁵¹ Whether such schools would generally tend to reinforce divisions, or would satisfy legitimate cultural differences, and so reduce tension, is an impossible question to answer dogmatically, but the issue may have to be faced in an increasing number of cases. It remains possible, in any event, for new voluntary schools representing special religious emphases to be set up.⁵²

In practice there are likely to be cases where a secular maintained school, which used to be a county school, could become a Church of England school or other Christian school. Or a Church of England school could opt to become Muslim or to adopt a more multi-faith or secular ethos, using the local agreed syllabus. Where a school becomes denominational, parents will have the right to ask for their children to be taught separately under the local agreed syllabus.⁵³ Conversely, if the school ceases to be denominational, the local agreed syllabus will apply, subject to parents' rights to claim separate religious education for their children.⁵⁴

51. Significantly the Swann Report "*Education for All*" *supra*, note 2, was wary of the possible social divisiveness of schools representing different ethnic groups, chap. 8, part II.

52. Education Act 1980, s.13.

53. Education Reform Act 1988, ss.87(1) and 86(3).

54. *Ibid*, ss. 87(2) and 84(11) and (12).

Section 88 of the new Act provides that where a local authority convenes a conference to reconsider an agreed syllabus on religious education, the conference shall consult the governing body of any grant maintained school which is using the existing syllabus. Where grant maintained schools use a local agreed syllabus, their governors share the power to appoint a member of the local standing advisory council on religious education.⁵⁵

6. COLLECTIVE ACTS OF WORSHIP

The provisions of the new Act as to worship are perhaps even more striking than those on religious education. Worship implies at least some level of belief in God. The 1944 Act, section 25, required that “the school day in every county and in every voluntary school shall begin with collective worship on the part of all pupils in attendance at the school, and the arrangements made therefor shall provide for a single act of worship attended by all such pupils unless, in the opinion of the local education authority or, in the case of a voluntary school, of the governors thereof, the school premises are such as to make it impracticable to assemble them for that purpose.”

The qualification that the requirement for a daily act of worship for the whole school did not apply where this was physically impossible came to be used as an excuse for not holding regular worship at all. The old section 25 is repealed. Section 6 of the Education Reform Act 1988 reiterates the requirement for daily worship for all pupils in a school, but provides for greater flexibility in arranging it so as to ensure that it does actually take place. At the same time, as a result of pressure concentrated on the House of Lords, the new Act prescribes a new norm of Christian worship. It is this emphasis on Christian worship which seems to have attracted most hostility, whether from those of a secularist persuasion, or from those who take a pluralist or liberal theological stance, and who may feel irked because no excuse will any longer be available that Christian assemblies are physically impossible.⁵⁶

Under section 6(1) of the new Act, “all pupils in attendance at a maintained school shall on each school day take part in an act of collective worship”. However, section 6(2) allows that “The arrangements for the collective worship in a school required by this section may, in respect of each school day, provide for a single act of worship for all pupils or for separate acts of worship for pupils in different age groups or in different school groups”.

Section 6(7) defines “school group” as “any group in which pupils are taught or take part in other school activities”. This clearly allows for acts of worship in classes or by age groups where there is no hall large enough to hold all the pupils in the school. Also, worship no longer has to be at the start of the day. The view of the Secretary of State is that a “school group . . . does not mean any group reflecting particular religious beliefs”.⁵⁷ However this seems a questionable interpretation of the Act. It is true that there are special provisions for such groups which are discussed below, but there seems no reason why a head teacher should not allow separate acts of worship for those receiving separate religious education, for example, those receiving denominational education in a school

55. Education Reform Act 1988, s.11(3)(b).

56. The Head Teachers' reaction, *supra*, note 2, and Mr Swallow, representative of certain church members especially in the teaching profession, *supra* note 43.

57. D.E.S. Circular 3/89, *supra*, note 22, p.11, and see John Hull, “*The Act Unpacked*”, *supra* note 20, p.15.

which normally follows the agreed local syllabus or for those belonging to recognised school societies such as a Christian Union. There may be a risk that such arrangements could lead to disruption of school unity. Equally they could enrich the life of the school.

Assemblies for special groups could even cater for members of say Hindu, Jewish or Muslim Societies. In county schools, if they did not take place on more than a limited number of days a week, they could avoid conflicting with the requirement that the norm for collective worship in the school should be “broadly Christian”. The responsibility for maintaining harmony and mutual respect for the beliefs of others lies on those who make the arrangements for collective worship, in a county school the head teacher, and in a voluntary school, the governing body, after consultation with the head teacher.⁵⁸ It may be hoped that a fear of disunity will not result in intolerant restrictions on worship by committed groups, whether Christian or otherwise.

7. CHRISTIAN WORSHIP AS A NEW NORM

Generally, in county schools, section 7(1) of the Education Reform Act requires that the worship “shall be wholly or mainly of a broadly Christian character”. Section 84(2) makes the same provision for county schools which change to grant maintained schools. This rather circumlocutory expression contrasts with the requirement under section 8(3), that religious education in new agreed syllabuses, “shall reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in Great Britain”.

The concept of “broadly” Christian worship is intriguing. It echoes the old Anglican term of “Broad Church” respecting a diversity of very different beliefs and practices within a single church. The more modern concept of “liberalism”, may express the same approach, or it may tend to set a nebulous but more uniform and even intolerant standard.⁵⁹ The word “broadly” may be used simply to discourage any legal proceedings which might be brought to challenge arrangements for worship in a particular school or local authority area, on the basis that the Christian faith involves any specific doctrinal standpoint. The word is linked to the requirement that worship should not be “distinctive of any particular denomination”, but that it should “reflect . . . the broad traditions of Christian belief”.⁶⁰

For some, the rather tortured wording is seen as a means of avoiding any specific expression of belief.⁶¹ More positively, the spirit of this definition of acceptable worship suggests not so much that collective worship should be vague as that it should express the richness of the full range of Christian faith and practice. It is assumed in the advice given by the Secretary of State that some explicitly

58. Education Reform Act 1988, s.6(3).

59. David Holloway *“A Nation under God”*, 1987, Kingsway, chap. 7; cf John Habgood *“Church and Nation in a Secular Age”*, 1983, Darton, Longman and Todd, especially chap. 4, *“Some Theological Guidelines”*, p.76.

60. Education Reform Act 1988, s.7(2). Here with regard to maintained schools which were county schools see Education Reform Act 1988, s. 84(4).

61. John Hull *“The Act Unpacked”* *supra* note 20, chap. 2.

Christian material will be used.⁶² Indeed, it seems clear that a Christian head teacher of a county school will normally be free to keep school assemblies entirely Christian provided they are not biased towards the teaching or forms of worship of any particular denomination. Those who are not prepared to conduct explicitly Christian worship will still have considerable latitude.

8. VARIATIONS FROM THE NORM OF CHRISTIAN WORSHIP

The governors of voluntary schools and of grant maintained schools, apart from ones which were originally county schools, are free to make arrangements for worship which may be Christian or non-Christian, depending on the character of the school. In county schools, although the norm for school worship is broadly Christian, section 7(3)-(6) of the new Act makes important qualifications. Most of these qualifications are repeated in section 84(4)-(6) in respect of county schools which become grant maintained. Under section 9(3) parents may require their children at any maintained school to be excused from religious worship and this is equally open to non-Christian parents who do not like worship at all and to Christian parents who object to particular forms of worship.

a) Qualified Christian worship in normal county schools.

In county schools, section 7(3) of the 1988 Act allows exceptions to the norm of broadly Christian worship, “provided that, taking any school term as a whole, most such acts which take place in the school do comply. . . .” Section 7(4) provides that, (a) the extent of such exceptions from the norm, (b) “the extent to which any act of collective worship . . . reflects the broad traditions of Christian belief”, and (c) “the ways in which those traditions are reflected in any such act of collective worship . . . shall be such as may be appropriate having regard to any relevant considerations relating to the pupils concerned”.

These relevant considerations are specified in Section 7(5) as; (a) “any circumstances relating to the family backgrounds of the pupils concerned which are relevant for determining the character of the collective worship which is appropriate in their case: and (b) their ages and aptitudes”. Thus the Christian norm may be considerably diluted in any county school. The same applies in a county school which becomes a maintained school.⁶³

The wording is difficult to tie down and on one view seems to make certain assumptions about the Christian faith which are rather curious. Thus it would be open to a head teacher to minimise the Christian content of worship in his school on the grounds that the children concerned were too young or immature or too antagonistic to put up with more, or that their parents were antagonistic or had failed to give the children any grounding in Christian ideas. However, even in such cases the school worship must for the most part be broadly Christian in some way appropriate to the pupils in question. Other teachers might form the judgement that in precisely those circumstances lively or “vivid” acts of explicitly Christian worship would be educationally particularly valuable in enriching the children’s experience.⁶⁴ It is difficult to see why clearly Christian worship which

62. D.E.S. Circular 3/89, *supra*, note 22, p.11.

63. Education Reform Act 1988, s.84(5).

64. John Hull “*The Act Unpacked*”, *supra* note 20, pp. 20 and 23.

is simple and interesting could not be designed by competent teachers to suit any children. For some children, for example some of a Carribean background, exceptionally exuberant worship may be appropriate, but this would not prevent it being “of a broadly Christian character”, from anyone’s point of view.

The effect of the Act will be to leave decisions on the form of worship very much to head teachers. Their decisions are likely to be difficult to challenge in a court, but dissatisfied parents can rely on the spirit of the Act to press for changes in the form of worship in the schools their children attend. As a last resort, parents have power to vote with their feet by not sending their children to schools with an ethos they do not share. It seems that any idea of an educational system expressing some sort of multi-cultural uniformity will have to give way to a system with a diversity determined by democratic choice. Within that diversity doubtless there will be many schools with a pluralist ethos expressed in regular assemblies for all pupils.

If a head teacher of a county school so chooses, collective worship may be “wholly” of a “broadly Christian character”. More latitude is given to the head who opts for worship to be “mainly” of a “broadly Christian character”. This suggests that at least half, but not necessarily more than half, the time allocated should be of such character. The special concessions would not seem to justify any less time being spent in essentially Christian worship. What may be justified under this rather opaque qualification is a much vaguer Christian content during the time allocated to broadly Christian worship. For example, if half the time were spent in worship of a very general and syncretistic form, which was at any rate not inconsistent with Christianity, the rest could be spent on an amalgam of other forms of worship, Muslim, Hindu or animist. In an extreme case such worship might omit any reference to Jesus Christ and yet be within the law. Parents may need to be alert to challenge such an approach. Although a syncretistic approach to worship may appeal to some religious minorities, most, notably Moslems, are likely to be at least as concerned as those with traditional Christian beliefs. Again, the Act provides means for such parents to seek more acceptable arrangements.

b.) Special arrangements in county schools

Section 7(6) of the new Act allows that where the SACRE so determines, collective worship in a particular county school, or “in the case of any class or description of pupils in such school”, shall not follow the Christian norm. In such a case the special worship approved “shall not be distinctive of any particular Christian or other religious denomination (but this shall not be taken as preventing that worship from being distinctive of any particular faith)”.

Section 12 sets out the procedure to be followed by the SACRE. Application for such special arrangements must be made under subsection (1) by the head teacher and, once made, under subsection (5) the arrangements must be reviewed, at any time on the application of the head teacher and in any event every five years. Before asking for an initial change or for a review, the head teacher must consult with the governing body.

Section 11(2) provides that in determining whether to approve special arrangements, the council “shall have regard to any circumstances relating to the family backgrounds of the pupils (concerned) which are relevant for determining

the character of the collective worship appropriate in their case". This provision is specifically designed to cater for non-Christian religious minorities, where they form either a majority or a significant group in a school. There are substantial safeguards for other children. These may still be provided with the normal essentially Christian worship in the school and their parents may in any event withdraw them. The special arrangements are subject to consultation and must be reviewed regularly.

It is possible that these arrangements may lead to divisions in schools. However the provision for them honestly recognises tensions which already exist. It is to be hoped that they will in fact help to defuse these. If the special arrangements had not been provided for in the Act it appears that it would have been unlikely to have enjoyed much of the support reported from religious minorities, particularly Muslims.⁶⁵

9. THE ROLE AND RIGHTS OF PARENTS

As was stressed repeatedly in the House of Lords debates on the 1988 Act, whatever is written into the law, a live spiritual faith can only be kindled by committed and skilled teachers. Despite its qualifications, the wording of the Act does provide a means for Christian parents to influence county schools so that really Christian worship is provided in them. On the other hand, if parents and governors fail to monitor the working of the Act it would be possible for dubious activities to be introduced, even such as occult practices.

The obvious channel for parental influence is through the election of parent governors and through making clear representations to the governing body. The present government has already created the machinery for parental influence, under the Education Act 1980. However, if this is not effectively used by Christian parents, governors may be influenced by interests which are decidedly not Christian.

It is important to note that the old rule still applies that on a parent's request a pupil must be "wholly or partly excused" from religious education and worship. This provision applies to the worship in all maintained schools.⁶⁶ It should allow parents who are able to monitor what is going on to withdraw their children selectively. Thus it should be possible for parents to produce a clearly worded joint letter specifying the circumstances when they wish to withdraw their children. This should protect the children according to their parents' wishes. Furthermore, because of the prospect of administrative inconvenience, it could well deter a head teacher from holding unacceptable forms of worship at all.

10. COMPLAINTS PROCEDURES

Section 23 of the new Act requires local education authorities to make arrangements for dealing with complaints against itself or the governing body of a school, and it is made clear that such complaints may be in respect of unreasonable exercise of powers relating to religious worship or the curriculum, which will include religious education. Complaint may also be made in respect of a failure to

65. Parl Debs., H.C., 18 July 1988, col. 827.

66. Education Reform Act 1988, s.9(3).

discharge a duty, such as that to enforce worship in schools, under section 10, or to set up standing advisory councils on religious education, under section 11. Section 22 envisages regulations to be made by the Secretary of State which should ensure that information is published on matters including the content of syllabuses.

Local authority complaints procedures are to be made after consultation with the governing bodies of voluntary aided and special agreement schools and must be approved by the Secretary of State. However, the complaints procedure must then be exhausted before complaint may be made to the Secretary of State himself. In those areas where the wording of the Act is unclear, disputes will normally be dealt with through the special complaints procedures. Ultimately, however, if complaints are not satisfied, or if the Secretary of State rejects interpretations put on the Act by teachers or local education authorities, cases may reach the courts for judicial review.

11. THE POSITION OF TEACHERS

The Education Reform Act 1988 continues to safeguard the consciences of individual teachers. Section 30 of the 1944 Act still provides that "no person shall be disqualified by reason of his religious opinions, or of his attending or omitting to attend religious worship, from being a teacher in a county or a voluntary school, or from being otherwise employed for the purposes of such a school." The section provides protection also against being compelled to give religious education and continues to safeguard against discrimination in respect of pay or promotion on the grounds of religious opinion, worship, or refusal to teach religious education, except in voluntary schools where teachers may have special obligations to represent a particular faith or to teach religious education.

The new Act will give similar protection to teachers and other employees in grant maintained schools.⁶⁷ If a grant maintained school adopts a new religious character under sections 87 and 89 of the Act, teachers in post retain the full protection which they enjoyed before the change.⁶⁸ Thus a non-Christian teacher or one belonging to a different denomination is protected if his school takes on the character of a particular Christian denomination.

Generally the role of the head teacher in determining the character of worship, especially in a county school, is crucial. Christian teachers may also influence the character of their school through the selection of teacher governors under the Education Act 1980, section 2(7).

12. CHRISTIAN SCHOOLS

The government's major innovation of a new category of grant maintained schools, independent of local education authorities, poses new prospects of schools with distinctive religious character. Unfortunately, however, the creative possibilities here are offset by fears that if they are a success such schools will drain off resources from the normal state system. This makes grant maintained schools politically vulnerable in the event of a future change of government. They

67. *Ibid.*, ss. 84(13)-(14), 85(5)-(6) and 86(4)-(5).

68. *Ibid.*, s. 88(5).

could be starved of funds, abolished or forced back into uniform local education authority patterns. Church leaders are reminded of dangers in supporting schools outside the standard state pattern by the present situation of choir schools, many of which are finding recruitment increasingly difficult, and could be destroyed by measures taken by a future government attacking “elitist” institutions.

The relationship of the Church of England with the present government is notoriously uneasy. Anglican and Roman Catholic church leaders have expressed strong reservations about schools opting for grant maintained status.⁶⁹ Quite apart from their personal political views, church leaders are obviously concerned to protect continuity and security in the life of all schools and especially those with a special Christian emphasis. Having achieved a new dispensation for religious education and worship in ordinary county schools, the leaders of the Church of England may well be concerned to keep state schools under the control of local education authorities and to prevent voluntary church schools from opting for the new grant maintained status. It is significant here that a draft Diocesan Boards of Education Measure, currently before the General Synod, envisages that advice should be obtained from Diocesan Boards of Education, by the governing body of any church school which is considering a change in status, particularly where it is resolving to ballot parents on whether to seek grant maintained status. The governors would be required to “have regard to that advice”.⁷⁰

The draft Measure therefore seeks to give the diocese a strong voice where a school is considering becoming grant maintained, and the diocese may effectively discourage such changes. However, the draft measure only imposes extra requirements for consultation, and should in no way thwart the aims of the Act. It does not seem likely to be blocked in Parliament or to have the difficulty in passing the Ecclesiastical Committee of Parliament which was experienced by other recent controversial Measures, notably the Clergy (Ordination) Measure on the ordination of clergy who have been divorced or are married to a divorcee.⁷¹

More forcefully, it is envisaged that the consent of the Diocesan Board of Education should be required in writing before the governing body of any church school could publish proposals “for the purpose of making a significant change in the religious character of such a school”.⁷² This would be in addition to the written consent of any separate school trustees as is required under section 89(2) of the Act itself. These consents would be required not just for church schools which are still in the voluntary system, but for those which have already opted to become grant maintained. Similarly, if the Secretary of State is considering making any changes to the trust deed of a church school the Act already requires him to consult governors and trustees. The Measure would require him to consult the Diocesan Board of Education as well.⁷³

Ironically, the most ardent advocate for using the new grant maintained schools, as a means of safeguarding and restoring the role of Christianity in society, is Frank Field, a Labour Member of Parliament.⁷⁴ Mr. Field describes “the

69. The Church of England National Society for Promoting Religious Education, “*Grant-maintained Schools and the Church School*,” 1988.

70. Draft Diocesan Boards of Education Measure 1989, clause 3(5).

71. Church Times, 29 July 1988.

72. Draft Diocesan Boards of Education Measure 1989, clause 4(5).

73. See Education Reform Act 1988, s.102 and draft Diocesan Boards of Education Measure 1989, clause, 6(2).

74. Frank Field “*Opting Out: An Opportunity for Church Schools*”, 1989, Church in Danger.

limited role which secular society has conceded to the Church in modern times" as a play pit. "Without realising what they have done in passing the Education Reform Act, the grown-ups have offered the children their last opportunity of clambering out of the play pit with their beliefs intact, and taking the argument into the heart of secular society . . . The Government's opting out proposals offer the Church what might be its last chance to re-establish its position in our educational system."⁷⁵

Mr. Field believes that church schools are more likely to "opt out" to new grant maintained status because of dissatisfaction with existing standards than because they want to obtain the extra government funding available. At the moment, governors of voluntary aided schools, though not voluntary controlled schools, must find 15% of the cost of repairs. Grant maintained schools would be paid for entirely by central government. As a result, if some schools opt out, dioceses could find it easier to release extra resources for church schools staying in the local authority system. It is not unknown for a Church of England school to make no provision for worship.⁷⁶ The threat of a church school "opting out" on the basis that the existing ethos was actually sub-Christian could prompt the school authorities to improve the situation without the need for a change of status. Here it may be added that the proposed Measure could help ensure that diocesan authorities face up to any such concerns.

Mr. Field's proposal is that Christian grant maintained schools could create a federation, sharing expertise and resources and operating politically uncontroversial selection policies. This would make them a major sector of the school system in their own right which would be difficult for a future government to destroy. A major omission from the 1988 Act is any machinery for creating grant maintained schools from scratch. The Act only allows for fully fledged local authority schools to transfer to the new status.⁷⁷ Mr. Field argues that it should be made possible for parents to petition for the creation of new grant maintained schools. Similarly he argues that independent schools should be able to opt in to grant maintained status.⁷⁸ Mr. Field's suggestions have not been received with great enthusiasm by those in the Church of England educational bureaucracy.⁷⁹ The sparse number of Church of England secondary schools would make such a federation difficult to create. Also only larger primary schools with over 300 pupils are eligible to opt out.⁸⁰ Nevertheless, if the present government's hopes are realised and a substantial number of schools do opt for grant maintained status, a federation of church schools could yet emerge as a significant force in English education.

75. *Ibid.*, pp.5 and 11.

76. John Burns and Colin Hart, "*The Crisis in Religious Education*", above, note 2, p.5.

77. An independent school or a grant maintained school can become a local education authority school; See Education Act 1944, s. 9, and Education Act 1980, s.12.

78. Frank Field, "*Opting Out: An Opportunity for Church Schools*", 1989, Church in Danger.

79. Geoffrey Duncan (Schools Secretary of the General Synod Board of Education), "No Option" (Church Schools), *Education*, 7 April 1989, p. 327.

80. Education Reform Act 1988, s. 52(6).

CONCLUSION

The Education Reform Act 1988 makes substantial changes to the law relating to worship and religious education in England and Wales. The extent to which those changes will help to support Christian values and teaching in schools will doubtless depend very much on the contribution of Christian parents, especially as governors, and on Christian teachers. Certainly the Act does support the head teacher who wishes to affirm the Christian character of a non-denominational county school. It also does provide encouragement for parents and ordinary teachers concerned to affirm a Christian character for education and the school community. It provides an opportunity to reassert the Christian heritage of the nation in its schools. Whether this opportunity is taken will show whether, as Mr. Cormack claimed in the House of Commons, that heritage is still the bedrock of the nation.

NOTES

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