



## Guidance for schools and awarding organisations about the Religious Studies GCSE

The Department for Education's view has always been that schools should be free to determine their own approach to the teaching of RE, in line with the statutory requirements.

Following a recent Judicial Review of the Religious Studies GCSE, the Administrative Court found against the Department for Education on a narrow, technical point.

This does not affect how schools are teaching religious education.

The Government considers the judgment to have no broader impact on any aspect of its policy in relation to the RE curriculum or the RS GCSE subject content for schools with or without a religious character, nor on the current inspection arrangements.

Specifically, the Government's policy remains that:

- Schools and Agreed Syllabus Conferences (ASCs) should be free to determine their own approach to the teaching of RE and the selection of the appropriate RS GCSE.
- There is no requirement for an individual school's curriculum to mirror the make-up of the national or local population, curriculums should continue to be locally determined.
- Schools and ASCs are at liberty to use a range of relevant factors to determine their RE curriculum, including the intellectual rigour it presents and its role in supporting pupils' development as world citizens.
- There is no obligation for any school or ASC to give equal air time to the teaching of religious and non-religious views.
- Curriculum balance (and, therefore, compliance with statutory requirements) can be achieved across the key stages. There is no obligation on any school to cover the teaching of non-religious world views (or any other particular aspect of the RE curriculum) in key stage 4 specifically. Rather it is for schools and ASCs to determine how they meet their wider obligations across the key stages.
- Schools are, therefore, not obliged to choose a GCSE specification that meets the entirety of their wider obligations, as long as they are satisfied that they will meet them through their RE curriculum across the key stages.
- For schools without a religious character, the RE curriculum needs to reflect the fact that the religious traditions in Great Britain are, in the main, Christian whilst taking account<sup>1</sup> of the teaching and practices of the other principal religions represented in Great Britain<sup>1</sup>

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<sup>1</sup> S375 Education Act 1996

The judgement identifies a technical, legal concern with paragraph 2 of the introduction to the Religious Studies (RS) GCSE subject content:

*“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 of religious education in current legislation as it applies to different types of school.”*

The Court concluded that this amounted to an assurance to all schools without a religious character that they could always wholly rely on any and all possible routes through the RS GCSE to ensure compliance with their statutory responsibilities.<sup>2</sup>

This was not how the paragraph was ever intended to be read. We intended it simply to reflect that the subject content is not incompatible with those statutory responsibilities and may act as a possible element in complying with those responsibilities<sup>3</sup>.

Paragraph 2 is now to be understood and applied in the sense set out in the previous two paragraphs.

The Government’s clear view is that schools following this approach will be fully in line with their statutory requirements.

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<sup>2</sup> Including Article 2, Protocol No. 1 of the European Convention on Human Rights

<sup>3</sup> The subject content serves as guidance for Awarding Organisations (AOs) intending to develop GCSE specifications in RS. In complying with the guidance, AOs must make decisions as to the precise make up of those specifications, including the mandatory elements of the RS GCSE subject content; and having regard to the non-mandatory matters set out in it. It is for schools to make decisions about their religious education (RE curriculum) and the role the GCSE plays in that curriculum.