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<https://content.yudu.com/web/69r/0Aiy7k/ETJan2020/html/index.html?page=24>

Untangling schools' "collective worship" obligations

Comment by
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The requirement that pupils participate in daily acts of collective worship was introduced some 75 years ago. How does this fit in with today's society and recognised concepts such as freedom of religion or belief and equality laws?

Parents of children in an Oxfordshire Primary School recently applied for a Judicial Review of the school's arrangements for children withdrawn from collective worship. The parents challenged the compulsory attendance of religious worship in school assembly and sought the right for a secular alternative. They also argued that it was in breach of equality legislation that, having withdrawn their children from collective worship, they were not offered an alternative assembly of equal educational worth.

The school contended it had complied with the law, including respecting parents' right to withdraw their children from collective worship. The case was due to be heard in court in autumn 2019, but ended with an out-of-court settlement by which the school agreed to provide children withdrawn from religious worship and prayers with alternative materials and teacher supervision.

In England and Wales compulsory collective worship was introduced in 1944. The requirement has since been restated and developed with subsequent legislation which provides that "each

pupil in attendance at a community, foundation or voluntary school shall on each school day take part in an act of collective worship”.

In community schools and foundation schools that do not have a religious character, the worship must be “wholly or mainly of a broadly Christian character”. The majority of assemblies must meet this requirement, although they may contain non-Christian material and secular assemblies may be held as well.

In voluntary schools and foundation schools with a religious character, worship must be in accordance with the school's trust deeds or the tenets and practices of the school's religion or religious denomination.

Free schools and academies must provide worship as required by the funding agreement. In the case of independent schools, the requirements will usually be set out in the foundation deeds or in policy laid down by governors.

Schools that consider the requirement of “broadly Christian” worship should not apply to them may seek a determination which allows alternative provision, including multi-faith worship.

Parents have the right to withdraw their children from attendance at religious worship and Sixth Form students may withdraw without their parents' permission.

The value of collective worship is seen as a focus point for pupils' development as a body and opportunity for reflection for the individual student. However, it is recognised that there is widespread non-compliance with the letter of the law. Many head teachers admit they are unable to satisfy the daily worship requirement and some years ago the then head of Ofsted questioned the sense in including provision for collective worship in their inspection criteria.

The Oxfordshire parents' challenge resulted in settlement saving time and money on both sides and allowing the parties to move on with an agreed solution. Without a trial, no judicial determination provides guidance examining the potentially conflicting legislative provisions. Short of a future court case a parliamentary review is needed to align schools' obligations taking account of social dynamics in their communities.