

Appendix 1: The Legal Framework for Collective Worship



The place of collective worship in schools is upheld by law and has been so since 1944. The 1988 Education Reform Act (ERA) affirmed its statutory position, relaxing some of the restrictions on the grouping and timing of Collective Worship, confirming what had become widespread practice in schools. The subsequent 1996 Education Act and 1998 School Standards and Framework Act further confirmed the requirements, since when there has been no change to this primary legislation, by which duty schools remain bound:

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

1998 School Standards & Framework Act – Part II Chapter 6 para 70 (1)

There are only two exceptions to this:

1. parents have the right to withdraw their child from collective worship
2. pupils in Y12 and above [the sixth form] may also exercise their right to withdraw.

If parents do make a request to withdraw their child, or a student in sixth form, the diocese recommends that careful discussion should take place between all concerned, especially in the light of the suggestions for inclusive worship contained within this document, so that informed choices can be made. Staff may also exercise the right of withdrawal. Help to manage the right of withdrawal for both pupils and staff can be found in **Appendix 2: Withdrawal from collective worship – some practicalities.**

The main provisions for collective worship are contained in Sections 6 and 7 of the Education Reform Act 1988, and in Chapter VI ‘Religious Education and worship’ (sections 70 & 71) and Schedule 20 of the 1998 School Standards and Framework Act (an excerpt of which can be found at the end of this appendix.)

There have been recommendations from many different quarters to amend this legislation, including in a relatively recent report ‘Collective Worship and Religious Observance in Schools’, published in November 2015. However, there has been no engagement by the government with the recommendations here and in other places, and so the legal structures upholding the act of collective worship remain.



The Fundamental British Values initiative (brought by the DfE into schools from November 2014) also makes it clear that the act of collective worship is one way in which schools can be seen to promote the spiritual, moral, social and cultural development of pupils, stating that:

‘Meeting requirements for collective worship, establishing a strong school ethos supported by effective relationships throughout the school, and providing relevant activities beyond the classroom are all ways of ensuring pupils’ SMSC development.’

(Promoting Fundamental British Values as part of SMSC in schools, Guidance from the DfE, 2014 p4)

This theme, the contribution of school worship to pupils’ SMSC development, is further explored **in section 7: Worship, SMSC, and British Values?!** Schools may wish to use elements of these sections to refer to in their school’s collective worship policy.

A gallop through collective worship history...

Under the 1944 Act, ‘assemblies’ as they were called had to be held at the beginning of the day and all children had to be in one place. This applied to all schools – ‘county’ and ‘church’ schools.

Following the Education Reform Act in 1988 and the guidance given in ‘Circular 1/94’ this was replaced by a ‘daily act of collective worship’. In County (later, community) schools, the law stated that acts of collective worship must be wholly or mainly of a broadly Christian nature; that is that they must reflect the broad traditions of Christian belief. No longer need they occur at the beginning of the day, and no longer need they be whole school gatherings.

However, in Church Schools (VA or VC) collective worship must be:

- daily for all registered pupils;
- organised to allow pupils to be withdrawn if parents have so requested;
- in accordance with the religious character of the school, as determined by the Governing Body and in line with its Trust Deed.

Church School collective worship is inspected under section 48 of the Education Act 2005 by Diocesan inspectors. In Voluntary Aided and Voluntary Controlled schools and in foundation schools, the daily act of collective worship must *always* be held according to the stipulations of the Trust Deed. That is, they are always of a broadly Christian nature. This is the original legal basis on which the school was founded. The stipulations are now enshrined in the school ethos statement, which is in turn included in the Instrument of Government.

In Guildford Diocese many of our schools have adopted the following wording for their ethos statements:

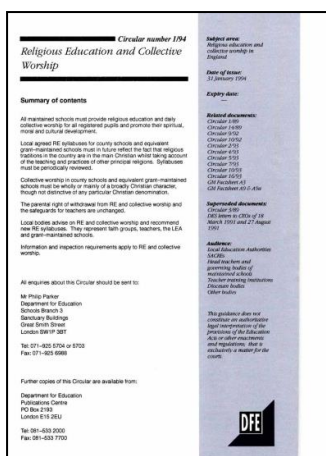
‘Recognising its historic foundation, the school will preserve and develop its religious character in accordance with the principles of the Church at parish and diocesan level.

The school aims to serve its community by providing education of the highest quality within the context of Christian belief and practice. It encourages an understanding of the meaning and significance of faith and promotes Christian values through the experience it offers all its pupils.’

This means that in Church of England schools, school worship will be consistent with the faith and practices of the Anglican Church, as supported by their Trust Deed.

In Church of England schools (VC & VA), it is the governors who hold overall responsibility for ensuring that the law is kept. In practice it is usually the head-teachers and staff who plan the daily acts of worship, often in association with the incumbent and governors, but the governors hold the ultimate responsibility for ensuring the requirements of the law are met.

The distinction has helpfully been made between ‘collective worship’ and ‘corporate worship’. Corporate worship, based on the word ‘corpus’ = body, is only possible for a body of believers, who essentially believe the same things. Collective worship acknowledges that we are not a ‘body of believers’ but a collection of individuals. Even in a Church school, where the context and object of our worship is Christian, we still engage in **collective**, rather than **corporate** worship. This, of course, allows for the presence, and it is hoped, inclusion and willing participation of members of the school community who come from faith backgrounds other than Christianity, or from no faith background at all. **Section 4: An inclusive community** gives further guidance.



In the words of the guidance document Circular 1/94:

‘Collective worship in schools should aim to provide the opportunity for pupils to worship God, to consider spiritual and moral issues and to explore their own beliefs; to encourage participation and response and to develop community spirit, promote a common ethos and shared values, and reinforce positive attitudes.’

One of the most important elements here in the guidance is the word ‘opportunity’. Whilst in church schools worship is an essential core element of school life, it should also be a voluntary act: there should be no compulsion to worship, and schools should make this clear to all who lead acts of collective worship. Worship is an open invitation, but it is for pupils – and staff – to use that opportunity if they feel comfortable doing so. The language that schools use to frame the act of worship should make this clear. There is further help in **section 1: Worship in a Church of England School**.

The daily act of worship has to be a distinctive act and cannot be subsumed in other activities or lessons, such as Religious Education. RE can inspire the themes for worship, but cannot be taught through the act of worship. Aided schools may hold their act of worship in a church, for example on special occasions.