

RE: Statutory requirements, compliance and OFSTED

Statutory requirements and curriculum information

The national curriculum states the legal requirement that:

'Every state-funded school must offer a curriculum which is balanced and broadly based, and which:

- **promotes the spiritual, moral, cultural, mental and physical development of pupils; and**
- **prepares pupils at the school for the opportunities, responsibilities and experiences of later life.**

All state schools ... must teach religious education ... All schools must publish their curriculum by subject and academic year online'.

(National Curriculum in England: Framework Document, DfE, September 2013, p.4)

Although there is not a National Curriculum for RE, all maintained schools must follow the National Curriculum requirements to teach a broad and balanced curriculum, which includes RE. All maintained schools therefore have a statutory duty to teach RE. Academies and free schools are contractually required through the terms of their funding agreement to make provision for the teaching of RE. Further information concerning RE in academies and free schools is given below.

The RE curriculum is determined by the local Standing Advisory Council on Religious Education (SACRE), which is responsible for producing the locally agreed syllabus for RE. Agreed Syllabuses used in schools (maintained or academy), which are not designated with a religious character must 'reflect the fact that the religious traditions in Great Britain are in the main Christian, while taking account of the teaching and practices of the other principal religions represented in Great Britain'. Schools with a religious designation may prioritise one religion in their RE curriculum, but all schools must recognise diverse religions and systems of belief in the UK both locally and nationally.

In brief, legislation requires that:

- in maintained community, foundation or voluntary schools without a religious character, RE is taught in accordance with the local Agreed Syllabus;
- academies and free schools must teach RE within the requirements for a locally agreed syllabus, set out in section 375 (3) of the Education Act 1996 and paragraph (5) of Schedule 19 to the School Standards and Framework Act 1998. The requirements are that a syllabus must 'reflect the fact that the religious traditions in Great Britain are, in the main, Christian while taking account of the teaching and practices of the other principal religions represented in Great Britain';
- for foundation and voluntary controlled schools with a religious character, RE must be taught according to the Agreed Syllabus unless, parents request RE in accordance with the trust deed of the school; and
- in voluntary aided schools RE must be taught in accordance with the trust deed.

RE must be included in the curriculum for all registered pupils, including all pupils in reception classes and sixth form, but excluding:

- pupils in nursery schools or nursery classes in primary schools;
- any person aged nineteen or above for whom further education is being provided at school; and
- any person over compulsory school age who is receiving part-time education.

More detailed information on Academies and free school can be found here

www.gov.uk/government/publications/re-and-collective-worship-in-academies-and-free-schools

More detailed information on maintained schools can be found here

www.gov.uk/government/publications/religious-education-guidance-in-english-schools-non-statutory-guidance-2010

***How do we know whether schools in Walsall are following the law or their funding agreements?
How can we find out?***

OFSTED and RE

The new Education Inspection Framework has been used in schools for one term. There have been a large number reports that have mentioned RE. In November NATRE produced a round up of those published so far.

www.natre.org.uk/news/latest-news/101-re-mentions-in-ofsted-primary-and-secondary-reports/

In November I also had conversations with OFSTED over the number of deep dives in RE and we note the number of these deep dives have increased. In simple terms a deep dive is something that happens within an inspection and is a review of the subject, how it is planned and taught in the school and evidence of the impact that it is having on pupil learning.

Evidence is also being collected by OFSTED for a thematic review in RE.

It is interesting to consider the themes that are emerging from these reports;

1. Pupils need to learn subjects in sufficient depth so that they remember what they have learnt
2. Rushing content, including in secondaries where there is a two-year key stage 3, sometimes leads to gaps in pupils' knowledge and understanding and makes it harder for pupils to comprehend the more advanced GCSE content
3. Where RS is an option at key stage 4, those who do not choose GCSE RS must have enough opportunity to study RE
4. All pupils need to follow a broad curriculum which is similar in breadth and ambition to the basic/national curriculum
5. Where time for RE and PSHE is contracted into shared provision, this limits pupils' understanding of both areas
6. Planning needs to be sufficiently detailed and sequenced so that pupils develop secure long-term understanding, building on what they have learnt before
7. Visits to places of worship, handling artefacts and receiving visitors, help pupils to remember what they have learnt and deepens understanding
8. Learning in RE helps to underpin the development of respect and tolerance and supports school values and the preparation of pupils for life in modern Britain
9. Where the curriculum is well planned, the interaction between subject content and skills, such as across the Humanities is made explicit which strengthens learning
10. Well-designed assessment allows teachers to plan more accurately and enabling pupils to know and remember more
11. Effective training leads to primary teachers having good subject knowledge that they use to help pupils learn more effectively
12. RE makes a valuable contribution to pupil's personal development and to their understanding of the wider world

Examples of recent statement on RE in OFSTED reports

Primary

Good: The organisation of the curriculum allows pupils to build on what they have learnt before. Pupils are able to make links across the subjects. For example, pupils talk with confidence about history and how this links to the learning in religious education and geography

Good: Teachers make lessons interesting. Pupils enjoy learning about other cultures, for example when handling Sikh artefacts. They debate arguments, for example 'for and against' having rules, with enthusiasm. Pupils find out about different cultures when listening to visiting speakers such as a rabbi.

RE Deep dive

Good: Pupils learn well because, linked to the school's agreed policy, teachers plan interesting and creative topics. They develop positive attitudes to learning. Following a visit to the church, for example, Year 2 pupils considered why it is a special place for Christians. They were articulate when asking questions and giving their views. They explained why the artefacts they saw are special to some people, including other pupils in their class, but not to others.

RE Deep dive

Outstanding: Leaders have thought carefully about what pupils should learn in each subject during their time at school. They have sequenced knowledge and skills well so that pupils build on what they already know. This is important because it helps pupils to have a secure understanding of their learning. The school provides an excellent quality of education for its pupils.

The development of pupils' personal, social and emotional intelligence is a great strength. Pupils have a range of worthwhile, well-taught activities and experience

RE Deep Dive

Inadequate: Leaders' ambition for pupils is not high enough, so pupils do not learn enough. Pupils study the full range of subjects, but teachers do not consider deeply what pupils need to learn and when. This means pupils do not gain as much knowledge as they should. This includes learning about, and appreciating, different religions and other cultures.

The planned personal, social, health and economic education (PSHE) does not support pupils to be confident, determined and independent in their learning. Neither does the planned curriculum provide pupils with a rich knowledge of religion and other cultures.

Pupils are not well prepared for life in modern Britain. Leaders should ensure that the curriculum gives pupils sufficient understanding and appreciation of religion and different cultures.

RE Deep dive

Good: In most other subjects, including science, history, geography, art and physical education, the curriculum is well planned and organised. However, religious education (RE) is not planned with such precision. Information provided for teachers is short of detail. This, combined with limited training in this subject, leads to uncertainty about important knowledge. As a result, pupils do not learn the knowledge they should. Planning in most subjects, including reading, mathematics and science, is thorough. However, in RE, it lacks important detail. Teachers do not have the knowledge or the training to teach this subject well. Consequently, pupils' knowledge in RE is not as strong as it is in

other areas of the curriculum. Leaders should ensure that the RE programme of study is reviewed and revised to give greater detail about the knowledge to be taught and learned. They should also ensure that teachers are provided with the training needed for them to teach RE knowledgeably and with confidence.

RE Deep dive

Secondary

Requires improvement: Most teachers are now teaching pupils the subject content that matters the most, apart from religious education, which is limited.

Currently, some pupils in key stage 3 do not cover subject content sufficiently well to be able to draw upon their learning in the future. This is because subjects such as religious education lack prominence in the curriculum. Additionally, the time pupils spend learning new content is limited in some subjects as teachers attempt to teach a broad and balanced curriculum that is commensurate with the national curriculum. However, time is limited, and teachers sometimes gloss over important learning points. This leads to gaps in pupils' understanding. Leaders must ensure that pupils are afforded sufficient time to learn important subject content in detail for as long as possible, including in religious education.

Requires improvement: Parents and carers are overwhelmingly positive about the school. They value the balance the curriculum provides between religious and secular studies.

Pupils learn about different world religions. This helps them to understand the similarities and differences between faiths. It also helps pupils to become understanding and tolerant of others.

Good: Most leaders ensure that subjects are planned in a logical sequence. For example, in Year 7 religious studies, pupils learn about how communities develop, through a well-sequenced series of learning activities. However, in some subjects, such as geography and design technology, learning is not yet sequenced as well.

Good: In many subjects, teachers know what content to teach and when to teach it. This is helping pupils to build on their previous knowledge and to know and remember more. For example, in English, religious education, music and science, content is demanding and teachers make sure that they give pupils the chance to recall prior learning. In these subjects, pupils said that teachers explain work clearly and help them to fill gaps in their knowledge.

Requires improvement: Pupils start too many GCSE courses at the beginning of Year 9. Often, they study their GCSE courses over three years rather than the recommended two. Where this occurs, pupils do not have Year 9 as a preparation year for GCSE. As a result, pupils have gaps in their knowledge and understanding. This makes it harder for pupils to comprehend the more advanced GCSE content. It also limits the connections pupils make to prior learning. Leaders have also stopped the practice of pupils unnecessarily sitting GCSE exams a year early in religious education (RE) and citizenship.

Requires improvement: In key stage 3, pupils have too few opportunities to learn about some subjects, such as geography, history, and religious education (RE), in detail. Also, the range of subjects offered by the school at key stage 3 is narrow. For example, pupils in Years 7 and 8 do not currently get the chance to study technology. The curriculum at key stage 3 does not stay as broad as possible for as long as possible. It is not as ambitious as the national curriculum. In key stage 4, pupils can choose to study from a wide range of subjects. However, older pupils do not have enough

opportunity to study RE. Few pupils choose to continue to study a modern foreign language. Leaders have put plans in place to improve pupils' enjoyment of this subject so that more pupils choose this as an option.

Leaders and governors need to ensure that pupils follow a broad curriculum which is similar in breadth and ambition to the national curriculum. They should further improve the curriculum by increasing the depth of learning for pupils in different subjects in key stage 3. Leaders should also increase the opportunities for key stage 4 pupils to study RE in greater depth.

What are OFSTED reports saying about Walsall Schools?

What can we do with information as we get it?

Appendix 1: Reflections on the Inspection framework and RE by NATRE

Here are some sections of the handbook which we found interesting:

1. Paragraph 14 “in a risk assessment, we analyse: school workforce census data”

Regular readers of NATRE articles will know that this data set has been very useful in our lobbying of government. It contains each secondary school’s report on the number of hours of teaching provided in each school year for each subject. NATRE will be encouraging Ofsted to flag any school reporting minimal or no hours of Religious Education using its algorithm so that this can be followed up during an inspection.

2. Paragraph 22

In addition, exempt schools may be inspected between risk assessments if:

- We have received a qualifying complaint that, taken alongside other available evidence, suggests that we should inspect the school
- concerns are identified about the curriculum (including if the statutory requirement to publish information to parents is not met)

SACREs, parents and others are beginning to use the formal complaints process when schools fail to provide the appropriate level of provision for RE. We will be seeking clarification from Ofsted about how complaints, especially those that reach the Secretary of State, can be made available to Ofsted inspectors.

3. Paragraph 44

OFSTED will:

- report on any failure to comply with statutory requirements when they form part of the inspection framework and evaluation schedule, including those relating to the workforce

It is not clear if or how this might identify schools failing to meet statutory requirements in relation to RE.

4. Paragraph 166

“Before making a final judgement on overall effectiveness, inspectors will always consider the spiritual, moral, social and cultural development of pupils at the school, ...

Attention to spiritual, moral, social and cultural development in the current framework for inspection has often led to mention of good practice in relation to RE in inspection reports. The new framework specifically mentions religious education in this section which should clarify expectations. (paragraph 216 and 219)

5. Paragraph 172

“All pupils in maintained schools are expected to study the basic curriculum, which includes national curriculum, religious education and age-appropriate relationship and sex education. Academies are expected to offer all pupils a broad curriculum⁶⁸ that should be similar in breadth and ambition.”

Footnote 68 “... academies must include English, mathematics, science and religious education in their curriculum.”

In our opinion, this paragraph has the potential to have the greatest impact on the issue of accountability in RE. It is perhaps unsurprising to see a clear statement of the law in relation to the curriculum in this context. However, in relation to standards, the expectation is that even given academy freedoms, (see 173 below), the curriculum should be similar in breadth and ambition as the curriculum offered in maintained schools.

NATRE intends to seek clarification of the meaning of this paragraph. The implication is that just as the national curriculum is to be used as a benchmark for 'breadth and ambition' for the core and foundation subjects, so the curriculum for RE must be as broad and ambitious as that required of LA maintained schools.

6. Paragraph 173

"We will judge schools taking radically different approaches to the curriculum fairly. We recognise the importance of schools' autonomy to choose their own curriculum approaches. If leaders are able to show that they have thought carefully, that they have built a curriculum with appropriate coverage, content, structure and sequencing, and that it has been implemented effectively, then inspectors will assess a school's curriculum favourably."

Some teachers have expressed concern about this paragraph because they believe it might provide a means of explaining away the lack of a rigorous and comprehensive RE curriculum. Time will tell if this concern is justified. It is difficult to see however, how a curriculum could be said to have 'appropriate coverage and content' if a subject which is so unequivocally listed as a requirement for inclusion were missing or covered in a tokenistic manner. We also note that the recent letter to NASACRE from the DFE clearly states that RE must be taught in all year groups. This is further emphasised in paragraph 177 below

7. Paragraph 177

- whether leaders are following the national curriculum and basic curriculum or, in academies, a curriculum of similar breath and ambition

Sources of evidence specific to curriculum intent

Inspectors will draw evidence about leaders' curriculum intent principally from discussion with senior and subject leaders. Inspectors will explore:

8. Paragraph 180 -181

Implementation

180. In evaluating the implementation of the curriculum, inspectors will primarily evaluate how the curriculum is taught at subject and classroom level.

181. Research and inspection evidence suggest that the most important factors in how, and how effectively, the curriculum is taught and assessed are that:

- Teachers have expert knowledge of the subjects that they teach. If they do not, they are supported to address gaps in their knowledge so that pupils are not disadvantaged by ineffective teaching

Inspection reports based on the current Ofsted Framework frequently mention the detrimental impact of teachers' poor subject knowledge on the quality of RE. This is more frequently mentioned in reports on primary schools. The text in this paragraph of the new handbook is much clearer about expectations on schools.

9. Paragraph 216 and 219

216. Provision for the spiritual development of pupils includes developing their:

- ability to be reflective about their own beliefs (religious or otherwise) and perspective on life
- knowledge of, and respect for, different people's faiths, feelings and values

219. Provision for the cultural development of pupils includes developing their:

- ability to recognise, and value, the things we share in common across cultural, religious, ethnic and socio-economic communities

- interest in exploring, improving understanding of and showing respect for different faiths and cultural diversity and the extent to which they understand, accept, respect and celebrate diversity. This is shown by their respect and attitudes towards different religious, ethnic and socio-economic groups in the local, national and global communities.

We are pleased that Ofsted has supported our recommendations that the descriptors of spiritual and cultural development should include a recognition that knowledge and understanding underpins tolerance and respect.

10. Paragraph 222

Sources of evidence specific to personal development

Inspectors will use a range of evidence to evaluate personal development, including:

- how curriculum subjects such as citizenship, RE, and other areas such as personal, social, health and economic education, and relationship and sex education, contribute to pupils' personal development

Access the following documents below: School inspection handbook
Inspecting the curriculum The education inspection framework