

# Birmingham City Council

## Report to Cabinet

8<sup>th</sup> February 2022



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**Subject:** THE ADOPTION OF THE BIRMINGHAM AGREED SYLLABUS FOR RELIGIOUS EDUCATION 2022

**Report of:** Sue Harrison, Director Education and Skills/Director for Children's Services

**Relevant Cabinet Members:** Cllr Jayne Francis - Education, Skills and Culture  
Cllr John Cotton - Social Inclusion, Community Safety and Equalities

**Relevant O & S Chair(s):** Cllr Narinder Kaur Kooner - Education and Children's Social Care

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 009744/2022		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential :		

### 1 Executive Summary

- 1.1 To seek Cabinet approval for adoption of the Birmingham Agreed Syllabus for Religious Education 2022 in substitution for the existing Agreed Syllabus 2007. The Agreed Syllabus must be followed in maintained schools without a designated denomination. Academies and free schools in Birmingham must teach Religious

Education and have the power to use the Agreed Syllabus, which many choose to do.

## **2 Recommendations**

- 2.1 That Cabinet adopts the Birmingham Agreed Syllabus for Religious Education 2022 contained in **Appendix 1** as recommended and agreed by the Agreed Syllabus Conference and set out at paragraph 3.9.

## **3 Background**

- 3.1 There is a statutory requirement for local authorities with responsibility for education to adopt an Agreed Syllabus for Religious Education and review it at least every five years.
- 3.2 Under its statutory functions, the Birmingham Standing Advisory Council on Religious Education voted to require a review of the Agreed Syllabus. That decision was informed by the length of time that the current agreed syllabus had been in use, during which time the legal requirements for such a Syllabus had been considered and clarified by the Courts, and in view of the fact that the Agreed Syllabus Conference convened in 2012 agreed not to make any changes to the 2007 syllabus.
- 3.3 An Agreed Syllabus Conference was convened and first met on 6 July 2017, under the chairmanship of Mr Guy Hordern.
- 3.4 Throughout the period of this Conference working parties, group meetings, meetings of a Chairs' group were held and there was consultation with Birmingham City Council officers from Education and Skills and Legal Services.
- 3.5 Throughout the time of the Conference, a number of in person full Conference meetings have taken place to discuss and develop the wording of the Syllabus.
- 3.6 During the Covid pandemic of 2020-21 the Conference did not have the legal power to meet remotely, which delayed the vote on the draft syllabus. In person meetings took place in October and November 2021.
- 3.7 The 2022 Agreed Syllabus continues in the same direction as the 2007 syllabus with learning taking place through 24 dispositions. The development of character is driven through the acquisition of knowledge of Religious Traditions and Non-Religious Worldviews in order to understand what it is to live well and to understand others around you.
- 3.8 The 2017-22 Birmingham Agreed Syllabus Conference has added two learning dimensions, so that pupils move from their own experience (Learning from Experience) to Learning About Religious Traditions and Non-Religious Worldviews, to Learning from Faith. Finally, pupils are given the opportunity to reflect and evaluate through the Learning to Discern aspect of the syllabus.
- 3.9 The Syllabus was unanimously agreed on 10 November 2021, when the Agreed Syllabus Conference voted that:

- (a) The draft syllabus reflects the requirements of The Education Act 1996.
- (b) Bearing this in mind, the draft syllabus accords equal respect to Non-Christian Religions and Non-Religious World Views.
- (c) The draft syllabus is approved and this Conference recommend that the Local Authority adopt it in substitution for the existing syllabus; and
- (d) The Drafting Secretary has been delegated the power to make further presentational amendments to the draft syllabus and guidance documents as required to amend any typographical errors and to ensure consistency across the four documents.

3.10 The final version of the Agreed Syllabus for Religious Education and guidance documents are attached at '**Appendix 1**'.

#### **4 Options considered and Recommended Proposal**

- 4.1 It is the duty of the Agreed Syllabus Conference to devise and recommend the Agreed Syllabus to the Local Authority. The Agreed Syllabus Conference has agreed to recommend the adoption of a new syllabus.
- 4.2 The Local Authority in turn is responsible for deciding whether or not to adopt the agreed syllabus. The options are therefore to either:
  - 4.2.1 Give effect to the recommendation by adopting the Agreed Syllabus (the recommended proposal); or
  - 4.2.2 Decline to give effect to the recommendation, in which case the matter would pass automatically to the Secretary of State for Education who has the power to appoint a body of persons to prepare a syllabus of religious education for maintained schools without a designated denomination. There is no provision in law for referring the Syllabus back to the Agreed Syllabus Conference for further consideration.

#### **5 Consultation**

- 5.1 An Agreed Syllabus Conference must be constituted of four representative committees as of a Standing Advisory Council on Religious Education (Section 390, Education Act 1996).
- 5.2 The 2017-22 Conference comprised four groups as required by law, each of which has an interest in Religious Education. The four groups included members from a range of faith communities in Birmingham, members of the Church of England, teachers and Local Authority representatives including a member of the Birmingham Humanist Association, a non-religious organisation.
- 5.3 The Chairs of the Conference committees met regularly with officers from the Council's Education and Skills Directorate and Legal Services departments to seek advice as the syllabus was developed.

- 5.4 Officers from the Council's Education and Skills Directorate attended meetings of the Agreed Syllabus Conference as observers.
- 5.5 The Agreed Syllabus Conference Membership list is attached to this report at '**Appendix 2**'.

## **6 Risk Management**

- 6.1 There is a statutory requirement that all schools provide a Basic Curriculum. This consists of the National Curriculum and Religious Education which, in the case of maintained schools without a religious denomination, should follow the Agreed Syllabus.
- 6.2 The Cabinet's decision to adopt the Birmingham Agreed Syllabus for Religious Education 2022 would give effect to the unanimous recommendation of the Birmingham Agreed Syllabus Conference made on 10<sup>th</sup> November 2021. The Syllabus agreed at this conference was subject to further changes delegated to the drafting secretary, which presents a risk as the final version of the syllabus had not been prepared at the time of the vote. However, the conference believed that there was a risk that if the syllabus was not agreed at this meeting, it would not be ready for implementation by September 2022 and there was an ongoing legal risk associated with continuing to teach the current out of date syllabus.
- 6.3 To manage this risk, the final version of the Syllabus appended to this report was circulated to conference members on 9 December 2021 inviting comments and questions on the amendments by 14 December 2021. Four responses were received, three of which stated that they were happy with the changes made since the date of the meeting and one which requested very limited amendments to a short paragraph in the syllabus to correct typographical errors.

## **7 Compliance Issues:**

- 7.1 **How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**
  - 7.1.1 Birmingham's Community Cohesion Statement sets out the Council's aim to build a fair and inclusive city for everyone who lives in, works in, and visits Birmingham and to create an open and ongoing dialogue across the city in which we all continuously consider how our decisions, our resources, and our relationships across communities can be used to promote community cohesion.
  - 7.1.2 The 2022 syllabus has been strengthened to ensure that pupils will build a complete picture of the religious traditions and non-religious worldviews they are studying. Children's learning in the syllabus is guided by encouraging 24 dispositions, which are seen as particularly important for those who hold both religious and non-religious worldviews.

## 7.2 Legal Implications

- 7.2.1 Section 80(1) of the Education Act 2002 states that the curriculum for every maintained school in England shall comprise a basic curriculum, which includes provision for religious education for all registered pupils at the school.
- 7.2.2 Section 69(1) of the School Standards and Framework Act 1998 states that (subject to any exceptions or special arrangements) in relation to any community, foundation or voluntary school in England the local authority and the governing body shall exercise their functions with a view to securing, and the head teacher shall secure, that religious education is given in accordance with the provision for such education included in the school's basic curriculum by virtue of section 80(1)(a) of the Education Act 2002. Section 69(2) of the School Standards and Framework Act 1998 states that Schedule 19 has effect for determining the provision for religious education which is required by section 80(1) of the Education Act 2002 to be included in the basic curriculum.
- 7.2.3 Schedule 19 of the School Standards and Framework Act sets out that the required provision for religious education in the case of pupils at the school is provision for religious education in accordance with an agreed syllabus adopted for the school or for those pupils. The Schedule adopts the definition of 'agreed syllabus' that is set out in section 375(2) of the Education Act 1996, as follows:
- “...“agreed syllabus”, in relation to England, means a syllabus of religious education—*
- (a) prepared...after commencement in accordance with Schedule 31, and*
- (b) adopted by a local authority in England under that Schedule,*
- whether it is for use in all the schools maintained by them or for use in particular such schools or in relation to any particular class or description of pupils in such schools.”*
- 7.2.4 Section 375(3) of the Education Act states that every agreed syllabus for use in England 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.
- 7.2.5 Schedule 31 of the Education Act 1996 state that if the Agreed Syllabus Conference unanimously recommend a new syllabus to be adopted in substitution for the existing syllabus, and it appears to the local authority that the syllabus or, as the case may be, the new syllabus, reflects 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, then the authority may give effect to the recommendation.

- 7.2.6 The case of R (on the application of Fox) v the Secretary of State for Education [2015] EWHC 3404 (Admin) set out the principle (amongst others) that the state must accord equal respect to different religious convictions, and to non-religious beliefs. This principle applies to the Agreed Syllabus.

### **7.3 Financial Implications**

- 7.3.1 £100k funding to support the administration of SACRE and the Agreed Syllabus Conference is in place from the Dedicated Schools Grant, as approved by Schools Forum for 2021/22 and due to be approved for 2022/23.
- 7.3.2 This budget will be used to ensure the syllabus documents are available online for schools to use ahead of the syllabus being launched in schools in September 2022.
- 7.3.3 For schools the implementation of, and training for the syllabus will be funded from individual schools' budget shares.

### **7.4 Procurement Implications (if required)**

- 7.4.1 No procurement implications.

### **7.5 Human Resources Implications (if required)**

- 7.5.1 Teachers employed by the Local Authority will need to familiarise themselves with the requirements of the new Syllabus.
- 7.5.2 Training will be offered to enable teachers to have a complete picture of the religious traditions and non-religious world views that need to be covered and lesson plans will be available along with the syllabus to support successful implementation of the syllabus.

### **7.6 Public Sector Equality Duty**

- 7.6.1 An Initial Equality Assessment has been undertaken, which indicated that a full Equality Assessment was not required (see **Appendix 4**). It is not thought that adoption of the Agreed Syllabus would have an adverse impact on individuals with a protected characteristic, and the recommended teaching is designed to foster good relations between persons who share a relevant protected characteristic (religion or belief) and persons who do not share it.

## **8 Appendices**

- 8.1 **Appendix 1** - The Agreed Syllabus for Religious Education 2022 and guidance documents.
- 8.2 **Appendix 2** - Birmingham Agreed Syllabus Conference Membership list.
- 8.3 **Appendix 3** - Minutes from Agreed Syllabus Conference meeting 10 November 2021.
- 8.4 **Appendix 4** - Initial Equality Assessment

## 9 Background Documents

Community Cohesion Strategy for Birmingham – Forward together to build a fair and inclusive city for everyone, (2018).

Schools Standards and Framework Act, (1998). Available at:  
<http://www.legislation.gov.uk/ukpga/1998/31/contents>

Education Act (1996). Available at:  
<http://www.legislation.gov.uk/ukpga/1996/56/contents>.

Department for Children, Schools and Families, (2010) *Religious Education in English Schools: Non-statutory Guidance 2010*, Available at:  
[www.teachernet.gov.uk/publications](http://www.teachernet.gov.uk/publications).

Minutes of Agreed Syllabus Conference meetings  
[https://www.faithmakesadifference.co.uk/asc\\_documents](https://www.faithmakesadifference.co.uk/asc_documents)