Religious Education in the National Curriculum: A Constitutional Change Without a Constitutional Debate

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The Government has announced that it intends to bring Religious Education into the National Curriculum in England, subject to public consultation on a draft curriculum and on proposed changes to the legislative framework within which RE sits. A public consultation is expected later this year, having slipped from the September 2026 date previously indicated. The official narrative is one of sector consensus, improved standards and an end to the "postcode lottery" of provision.

There is a fundamental difficulty. A change of this magnitude is being presented as a technical improvement in curriculum quality. It is not. It is a constitutional alteration to the legal status of the subject. Once RE sits inside the National Curriculum, its content, nomenclature, breadth and statutory weight become subject to the ordinary processes by which National Curriculum subjects are revised, narrowed or renamed. High-level assurances about "consensus" and improved standards do not create durable statutory safeguards.

1. The current legal position

Religious Education is compulsory in maintained schools in England. Under section 80(1) of the Education Act 2002, the curriculum for every maintained school comprises a basic curriculum which includes provision for religious education for all registered pupils, and separately the National Curriculum. RE is therefore a required element of the basic curriculum; it is not one of the National Curriculum subjects. Parents have a statutory right to withdraw their child from RE (School Standards and Framework Act 1998, section 71).

In community schools and in foundation and voluntary schools without a religious character, the content of RE is determined by the locally Agreed Syllabus. This is prepared by an Agreed Syllabus Conference and adopted by the local authority under section 375 of, and Schedule 31 to, the Education Act 1996. Section 375(3) requires every agreed syllabus to "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."

Schools with a religious character follow their own denominational frameworks, subject to the relevant inspection arrangements (School Standards and Framework Act 1998, Schedule 19). This system of local determination has its roots in the Education Act 1944 and was substantially restated in the Education Reform Act 1988 and subsequent legislation. Academies and free schools are required to provide RE under the terms of their funding agreements with the Secretary of State; in practice the obligation is treated as applying across the state-funded sector.

2. What the proposed change actually does

The Curriculum and Assessment Review's final report (5 November 2025) recommended bringing RE into the National Curriculum in stages, "to prevent further diminishment". A sector-led group was to draft an RE curriculum and to "consider whether there would be benefit in changing the name of Religious Education". The Government's response made any move conditional on "a clear shared position from the sector". If that was reached, it would consult on a draft RE curriculum and on changes to RE's legislative framework.

In July 2026 the then Education Secretary announced that consensus had been reached. A written ministerial answer of 2 November 2026 confirmed that "the sector group has reached a consensus" and that the Department for Education "will consult on a draft RE curriculum in line with the national curriculum consultation". That consultation, originally indicated for September 2026, has slipped to "later this year". As of early November 2026 there is no published launch date.

If RE becomes a National Curriculum subject, it can no longer at the same time be the subject of a locally Agreed Syllabus. The statutory function of Agreed Syllabus Conferences in producing the syllabus for community schools would come to an end. Local determination of the curriculum would cease. That is not a minor administrative adjustment. It is one of the most significant changes to the legal architecture of Religious Education since 1944.

Denominational schools have been given assurances that their existing freedoms will be preserved. Those assurances are important for the around one third (34 per cent) of state-funded mainstream schools in England that have a designated religious character. They do not alter the constitutional position for the majority of schools, nor do they create any new statutory lock on the subject's continued distinctiveness or compulsory status beyond what future legislation may provide. A Minister's assurance is not a statutory safeguard.

3. The claim of consensus

The Education Secretary announced in July 2026 that those "representing the full spectrum of religion in this country" had "reached consensus" on what children should learn. Sector bodies supporting the draft have spoken of "genuine consensus". A written ministerial answer of 2 November 2026 stated that "the sector group has reached a consensus".

Detailed accounts from participants, published by the Religious Education Network (REN) in collaboration with the Independent Schools Religious Studies Association (ISRSA), and reported by Christian Concern, describe a different process. According to the REN/ISRSA briefing of July 2026:

- Reference Groups were invited to comment briefly on material that had already been substantially drafted.
- Opportunities for detailed scrutiny were limited.

- Documents could generally not be retained or circulated.
- The identity of those who drafted the Programmes of Study was not disclosed to the wider Reference Groups, nor was the basis for their selection explained.
- Alternative drafts were not considered.

These features make it difficult to reconcile participants' experience with subsequent public statements of consensus. Some participants have said they felt the process lacked transparency. Parliament and the public are entitled to know how a claim of sector-wide agreement was reached when significant voices within the sector contest both the process and its outcome.

4. The language of "worldviews" and the boundary problem

The draft Programmes of Study are not yet publicly available. Participants' published accounts, however, report that the draft materials place significant weight on "religious and non-religious worldviews", including the concept of "personal worldview". That language sits within a wider "Religion and Worldviews" approach advanced by the Commission on Religious Education's 2018 report, Religion and Worldviews: The Way Forward, which defined a personal worldview as an individual's own way of understanding and living in the world. A ministerial answer of 2 November 2026 confirms that the draft curriculum covers "religious and non-religious traditions".

The academic definition of a worldview is clear enough in principle. In classroom practice, the language is often left insufficiently bounded. Open-ended formulations about "individual worldviews" and "ways of living" create a foreseeable risk that some teachers may treat contemporary political ideologies or contested social theories as legitimate objects of study within RE.

Schools already operate under clear statutory duties. Section 406 of the Education Act 1996 requires local authorities, governing bodies and head teachers to forbid the promotion of partisan political views in the teaching of any subject. Section 407 requires them to take reasonably practicable steps to secure that, where political issues are brought to the attention of pupils, they are offered a balanced presentation of opposing views. Schools are also subject to the Prevent duty under section 26 of the Counter-Terrorism and Security Act 2015, which requires specified authorities to have due regard to the need to prevent people from being drawn into terrorism.

Vague curriculum language increases the likelihood of inconsistent practice, teacher anxiety and subsequent challenge under these existing duties. The fact that some schools already devote time to non-religious perspectives does not resolve the boundary question for a national framework that will apply to the majority of schools. Precise exemplification and explicit cross-references to sections 406 and 407 of the Education Act 1996, and to Prevent requirements, are required in the eventual programme of study and supporting guidance. High-level statements that the approach can be taught rigorously and carefully are not a substitute for that precision.

5. What remains unanswered

Three questions have not been adequately addressed:

- What statutory language, if any, will preserve the distinctive character of the subject once it sits inside the National Curriculum and is no longer protected by the architecture of local determination?
- How will the final programme of study and accompanying guidance demarcate the academic study of established religious and non-religious traditions from the potential incorporation of contemporary political ideologies?
- Why should a constitutional change of this scale be embedded within a much broader National Curriculum consultation, where it risks receiving far less attention than it deserves?

6. What we are asking for

Protect and Teach CIC asks that:

- Any new statutory framework for RE preserve the subject's distinctive character and retain an equivalent of the section 375(3) requirement that the curriculum reflect the fact that the religious traditions in Great Britain are in the main Christian, whilst taking account of the other principal religions represented in Great Britain.
- Changes to RE's legal framework be the subject of a separate, dedicated consultation, rather than being buried inside the wider National Curriculum consultation where constitutional questions risk being overlooked.
- The eventual programme of study and supporting guidance include precise exemplification and explicit cross-references to sections 406 and 407 of the Education Act 1996 and to the Prevent duty.
- Full transparency be provided on how the claimed consensus was reached: who drafted the Programmes of Study, on what remit, with what access for Reference Groups, and whether alternative drafts were considered.

Conclusion

Improving the consistency and quality of Religious Education is a legitimate objective. It does not require the quiet removal of the subject's distinctive statutory status or the replacement of local determination with a centrally determined framework whose boundaries remain unclear.

Parliament and the public are entitled to an accurate account of what the law would actually do. Where the text does not clearly secure the protections that are publicly promised, that fact should be stated directly. The forthcoming consultation is the principal opportunity for those concerns to be registered. It should not be treated as a formality.

Sources

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