

# Education Act 1996 c. 56

## s. 390 Constitution of advisory councils.



Law In Force

Version 4 of 4

30 April 2021 - Present

### Subjects

Education

### Keywords

Advisory bodies; Appointments; Creation; Local authorities; Members; Powers rights and duties; Religious education

### 390.— Constitution of advisory councils.

(1) A [ local authority ]<sup>1</sup>[ in England]<sup>2</sup> shall constitute a standing advisory council on religious education for the purposes mentioned in section 391(1).

[

(1A) A local authority in Wales shall constitute a standing advisory council on Religion, Values and Ethics for the purposes mentioned in section 391(1A).

]<sup>3</sup>[

(2) [A council constituted under subsection (1) or (1A)]<sup>5</sup> shall consist of such groups of persons appointed by the authority as representative members (“representative groups”) as are required by subsection (4).

]<sup>4</sup>

(3) [A council constituted under subsection (1) or (1A)]<sup>6</sup> may also include co-opted members (that is, persons co-opted as members of the council by members of the council who have not themselves been so co-opted).

(4) The representative groups required by this subsection are—

(a) [in the case of an area in England, ]<sup>7</sup>a group of persons to represent such Christian denominations and other religions and denominations of such religions as, in the opinion of the authority, will appropriately reflect the principal religious traditions in the area;

[

(aa) in the case of an area in Wales, a group of persons to represent—

(i) Christian denominations and other religions and denominations of such religions, and

(ii) non-religious philosophical convictions;

]⁸

(b) except in the case of an area in Wales, a group of persons to represent the Church of England;

(c) a group of persons to represent such associations representing teachers as, in the opinion of the authority, ought to be represented, having regard to the circumstances of the area; and

(d) a group of persons to represent the authority.

(5) Where a representative group is required by subsection (4)(b), the representative group required by subsection (4)(a) shall not include persons appointed to represent the Church of England.

(6) The number of representatives members appointed [ by a local authority in England]⁹ to any representative group under subsection (4)(a) to represent each denomination or religion required to be represented shall, so far as consistent with the efficient discharge of the group's functions, reflect broadly the proportionate strength of that denomination or religion in the area.

[

(6A) A local authority in Wales, in appointing persons to a representative group under subsection (4)(aa), must take all reasonable steps to secure the outcome referred to in subsection (6B).

(6B) The outcome is that the number of members appointed to the group to represent a religion, denomination or non-religious philosophical conviction shall, so far as is consistent with the efficient discharge of the group's functions, reflect broadly the proportionate strength of that religion, denomination or non-religious philosophical conviction in the area.

]¹⁰

(7) On any question to be decided by the council only the representative groups on the council shall be entitled to vote, and each representative group shall have a single vote.

[

(8) In exercising functions under this section, a local authority in Wales must have regard to any guidance given by the Welsh Ministers.

(9) In this section, "*non-religious philosophical conviction*" has the same meaning as in section 375A(3).

]¹¹

## Notes

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1 Words substituted by Local Education Authorities and Children's Services Authorities (Integration of Functions)

## Notes

Order 2010/1158 Sch.2(1) para.7(2) (May 5, 2010)

2 Words inserted by Curriculum and Assessment (Wales) Act 2021 asc. 4 Sch.2 para.9(2) (April 30, 2021)

3 Added by Curriculum and Assessment (Wales) Act 2021 asc. 4 Sch.2 para.9(3) (April 30, 2021)

4 Substituted by School Standards and Framework Act 1998 c. 31 Sch.30 para.93 (September 1, 1999)

5 Words substituted by Curriculum and Assessment (Wales) Act 2021 asc. 4 Sch.2 para.9(4) (April 30, 2021)

6 Words substituted by Curriculum and Assessment (Wales) Act 2021 asc. 4 Sch.2 para.9(5) (April 30, 2021)

7 Words inserted by Curriculum and Assessment (Wales) Act 2021 asc. 4 Sch.2 para.9(6)(a) (April 30, 2021)

8 Added by Curriculum and Assessment (Wales) Act 2021 asc. 4 Sch.2 para.9(6)(b) (April 30, 2021)

9 Words inserted by Curriculum and Assessment (Wales) Act 2021 asc. 4 Sch.2 para.9(7) (April 30, 2021)

10 Added by Curriculum and Assessment (Wales) Act 2021 asc. 4 Sch.2 para.9(8) (April 30, 2021)

11 Added by Curriculum and Assessment (Wales) Act 2021 asc. 4 Sch.2 para.9(9) (April 30, 2021)

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*Part V THE CURRICULUM > Chapter III RELIGIOUS EDUCATION AND WORSHIP [E.]; RELIGIOUS EDUCATION ETC AND WORSHIP [W.] > Constitution of standing advisory councils on religious education [E.]; Constitution of standing advisory councils [W.] > s. 390 Constitution of advisory councils.*

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## s. 391 Functions of advisory councils.



Law In Force

Version 8 of 8

30 April 2021 - Present

### Subjects

Education

### Keywords

Advisory bodies; Local authorities; Powers rights and duties; Religious education; Reports

### 391.— Functions of advisory councils.

(1) The purposes referred to in section 390(1) are—[

(a) to advise the [local authority]<sup>2</sup> on such matters connected with—

(i) religious worship in community schools or in foundation schools which (within the meaning of Part II of the School Standards and Framework Act 1998) do not have a religious character, and

(ii) the religious education to be given in accordance with an agreed or other syllabus in accordance with Schedule 19 to that Act,

as the authority may refer to the council or as the council may see fit, and

]¹

(b) to carry out the functions conferred on them by section 394.

[

(1A) The purposes referred to in section 390(1A) are—

(a) to advise the local authority on such matters connected with—

(i) religious worship in community schools or in foundation schools which (within the meaning of Part 2 of the School Standards and Framework Act 1998) do not have a religious character, and

(ii) the provision of teaching and learning, under the Curriculum and Assessment (Wales) Act 2021, either in respect of the mandatory element of Religion, Values and Ethics (within the meaning of that Act), or under section 60 of that Act (post-compulsory education in maintained schools: Religion, Values and Ethics),

as the authority may refer to the council or as the council may see fit, and

(b) to carry out the functions conferred on them by section 394.

]

(2) The matters referred to in [subsections (1)(a) and (1A)(a)]<sup>4</sup> include, in particular, methods of teaching, the choice of materials and the provision of training for teachers.

(3) The representative groups on the council required by section 390(4), other than the group consisting of persons appointed to represent the authority, may at any time require a review of any agreed syllabus for the time being adopted by the authority.

(4) Each representative group concerned shall have a single vote on the question of whether to require such a review.

(5) Paragraph 3 of Schedule 31 has effect to require the authority, on receiving written notification of any such requirement, to cause a conference constituted in accordance with that Schedule to be convened for the purpose of reconsidering any agreed syllabus to which the requirement relates.

(6) The council shall in each year publish a report as to the exercise of their functions and any action taken by representative groups on the council under subsection (3) during the last preceding year.

(7) The council's report shall in particular—

(a) specify any matters in respect of which the council have given advice to the authority,

(b) broadly describe the nature of the advice given, and

(c) where any such matter was not referred to the council by the authority, give the council's reasons for offering advice on that matter.

[...]<sup>5</sup>[

(10) A council for an area in Wales must send a copy of each report published by them under subsection (6) to the Welsh Ministers.

]<sup>6</sup>[

(11) In exercising its functions under this Act, a council constituted by a local authority in Wales must have regard to any guidance issued by the Welsh Ministers.

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## Notes

1 Substituted by School Standards and Framework Act 1998 c. 31 Sch.30 para.94(2) (September 1, 1999)

## Notes

- 2 Words substituted by Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010/1158 Sch.2(1) para.7(2) (May 5, 2010)
  - 3 Added by Curriculum and Assessment (Wales) Act 2021 asc. 4 Sch.2 para.10(2) (April 30, 2021)
  - 4 Words substituted by Curriculum and Assessment (Wales) Act 2021 asc. 4 Sch.2 para.10(3) (April 30, 2021)
  - 5 Repealed by School Standards and Framework Act 1998 c. 31 Sch.31 para. (September 1, 1999 as SI 1999/2323)
  - 6 Substituted by Education Act 2011 c. 21 Sch.8 para.6 (April 1, 2012)
  - 7 Added by Curriculum and Assessment (Wales) Act 2021 asc. 4 Sch.2 para.10(4) (April 30, 2021)
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*Part V THE CURRICULUM > Chapter III RELIGIOUS EDUCATION AND WORSHIP [E.]; RELIGIOUS EDUCATION ETC AND WORSHIP [W.] > Constitution of standing advisory councils on religious education [E.]; Constitution of standing advisory councils [W.] > s. 391 Functions of advisory councils.*

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## s. 392 Advisory councils: supplementary provisions.



Law In Force

Version 4 of 4

30 April 2021 - Present

### Subjects

Education

### Keywords

Advisory bodies; Local authorities; Members; Religious education; Tenure

## England

### 392.— Advisory councils: supplementary provisions.

(1) In this section “*the council*” means the standing advisory council on religious education constituted by a [local authority]<sup>1</sup> under section 390.

(2) Before appointing a person to represent any religion, denomination or associations as a member of the council, the authority shall take all reasonable steps to assure themselves that he is representative of the religion, denomination or associations in question.

(3) A member of the council who was appointed by the authority may be removed from membership by the authority if, in their opinion, he ceases to be representative of the religion, denomination or associations which he was appointed to represent or (as the case may be) he ceases to be representative of the authority.

[...]<sup>2</sup>

(5) A person co-opted as a member of the council shall hold office on such terms as may be determined by the members co-opting him.

(6) A member of the council may at any time resign his office.

(7) Subject to section 390(7), the council and, in relation to any question falling to be decided by members of the council of any particular category, the members of that category, may regulate their own proceedings.

(8) The validity of proceedings of the council or of the members of the council of any particular category shall not be affected—

(a) by a vacancy in the office of any member of the council required by section 390(2), or

(b) on the ground that a member of the council appointed to represent any religion, denomination or associations does not at the time of the proceedings represent the religion, denomination or associations in question.

## Wales

[

### 392.— Advisory councils: supplementary provisions.

(1) In this section “*the council*” means a standing advisory council constituted by a local authority under section 390.

(2) Before appointing a person to represent any religion, denomination [, philosophical conviction]<sup>4</sup> or associations as a member of the council, the authority shall take all reasonable steps to assure themselves that he is representative of the religion, denomination [, philosophical conviction]<sup>4</sup> or associations in question.

(3) A member of the council who was appointed by the authority may be removed from membership by the authority if, in their opinion, he ceases to be representative of the religion, denomination [, philosophical conviction]<sup>5</sup> or associations which he was appointed to represent or (as the case may be) he ceases to be representative of the authority.

(5) A person co-opted as a member of the council shall hold office on such terms as may be determined by the members co-opting him.

(6) A member of the council may at any time resign his office.

(7) Subject to section 390(7), the council and, in relation to any question falling to be decided by members of the council of any particular category, the members of that category, may regulate their own proceedings.

(8) The validity of proceedings of the council or of the members of the council of any particular category shall not be affected—

(a) by a vacancy in the office of any member of the council required by section 390(2), or

(b) on the ground that a member of the council appointed to represent any religion, denomination [, philosophical conviction]<sup>6</sup> or associations does not at the time of the proceedings represent the religion, denomination or associations in question.

]<sup>3</sup>



## Notes

- 1 Words substituted by Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010/1158 Sch.2(1) para.7(2) (May 5, 2010)
  - 2 Repealed by School Standards and Framework Act 1998 c. 31 Sch.31 para. (September 1, 1999 as SI 1999/2323)
  - 3 Words substituted by Curriculum and Assessment (Wales) Act 2021 asc. 4 Sch.2 para.11(2) (April 30, 2021)
  - 4 Words inserted by Curriculum and Assessment (Wales) Act 2021 asc. 4 Sch.2 para.11(3) (April 30, 2021)
  - 5 Words inserted by Curriculum and Assessment (Wales) Act 2021 asc. 4 Sch.2 para.11(4) (April 30, 2021)
  - 6 Words inserted by Curriculum and Assessment (Wales) Act 2021 asc. 4 Sch.2 para.11(5) (April 30, 2021)
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*Part V THE CURRICULUM > Chapter III RELIGIOUS EDUCATION AND WORSHIP [E.]; RELIGIOUS EDUCATION ETC AND WORSHIP [W.] > Constitution of standing advisory councils on religious education [E.]; Constitution of standing advisory councils [W.] > s. 392 Advisory councils: supplementary provisions.*

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