

## Appendix 2: Applying for a determination

### What is a determination?

SACRE has legal powers to allow certain schools to lift the requirement for all pupils to take part in broadly Christian worship. The technical term for this is 'granting a determination'. It is called this because SACRE 'determines' whether the case being made in an application to modify the law for pupils in a school is appropriate.

### To which schools does this guidance apply?

All non-faith maintained schools, excluding academies.

### Under what circumstances should a school apply for a determination?

In the schools referred to above, most acts of worship in a term are required by law to be "wholly or mainly of a broadly Christian character". If it is felt that participation in broadly Christian worship is inappropriate for certain pupils by virtue of their family backgrounds (in particular their faith backgrounds), the headteacher (after consulting the governing body) can apply to SACRE for a determination to lift the requirement for some or all pupils.

Schools will typically apply for a determination where concerns are raised about non-Christian pupils participating in broadly Christian worship, possibly leading to parents and carers exercising their right to withdraw their children from collective worship.

A determination only affects the **character** of collective worship. It does not affect the requirement for all pupils (apart from those withdrawn by their parents/carers) to take part in an act of collective worship on each school day.

### What is meant by worship of a 'broadly Christian character'?

According to the law: "Collective worship is of a broadly Christian character if it reflects the broad traditions of Christian belief without being distinctive of any particular religious denomination".

Guidance on collective worship produced by North Yorkshire SACRE shows that broadly Christian worship can be highly inclusive, accommodating a wide range of religious and non-religious standpoints: "Collective worship that is 'broadly Christian' is inclusive in that it deals with universal human values and issues that concern us all, Christians and non-Christians".

### What does the law say about determinations?

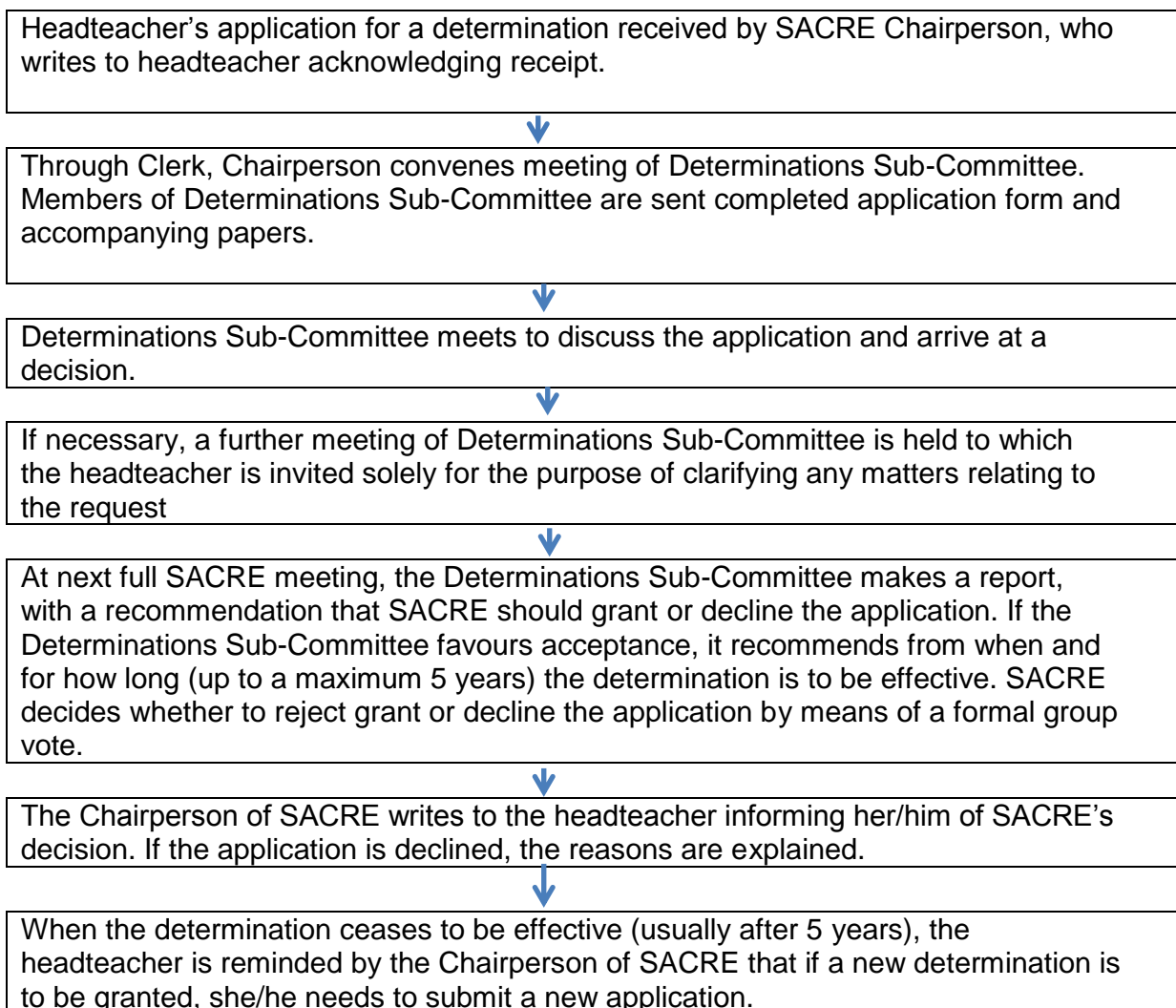
- In deciding whether to grant a determination, SACRE must have regard to any circumstances relating to the family and faith background of the pupils which are relevant for deciding what character of collective worship is appropriate.
- If SACRE grants a determination, the alternative act of worship may be distinctive of a particular religion, but it is not permitted to be distinctive of any particular denomination within a religion.
- If SACRE grants a determination for a whole school, it is not permissible for pupils to be divided into separate faith groups for worship. However, where a determination is granted in respect of a group of pupils defined in terms of faith background, then religious worship may be provided for those pupils.
- SACRE can only accept or reject an application for a determination. It cannot modify the request.
- SACRE must write to the headteacher informing her/him of the decision. If a determination is granted, SACRE must state in writing the date from which it will take effect.

- A determination lasts for 5 years, unless renewed by SACRE. There must be a review by SACRE within 5 years of the introduction of a determination, and subsequently within 5 years of each review. The headteacher may request an earlier review at any time, after consulting the governing body. The headteacher must be given the opportunity to make representations in any review.
- It is for SACRE to decide how applications should be made and the process by which they are to be considered.

### **What are SACRE's procedures for considering applications for determinations?**

Initially it is the Determinations Sub-Committee that considers applications for determinations. The Determinations Sub-Committee comprises the Chairpersons of the four groups on SACRE. Meetings of the Determinations Sub-Committee are chaired by the Chairperson of SACRE. A member of the Determinations Sub-Committee may be substituted by another member of the same SACRE group where necessary. The Determinations Sub-Committee is assisted by the LA lead officer for Religious Education and the Clerk to SACRE. At the SACRE meeting following the meeting of the Determinations Sub-Committee, the application is discussed and put to a formal vote. All proceedings and papers related to applications for determinations are confidential.

### **What process is followed by SACRE?**



**What factors will influence SACRE's decision?**

As is explained in its guidance on collective worship, SACRE takes the view that collective worship in schools should be an inclusive and educational activity concerned with the recognition, affirmation and celebration of the worth of the values held to be of central importance to the school community. The essential purpose of acts of collective worship is to establish and renew the meaning of these values for the whole school community, helping each of its members to grasp them personally.

SACRE is firmly of the view that applications for determinations should only be made as a last resort when all other attempts to keep the school as a single worshipping community have failed or proved completely impractical.

SACRE will wish to be satisfied that any proposed alternative acts of worship will be inclusive for those attending and non-denominational in nature. Alternative acts of worship must not attempt to indoctrinate or proselytise.

**How does a headteacher apply for a determination?**

Having fully explored the implications for the school and the community it serves, and having consulted with all appropriate stakeholders, if a headteacher considers the only course of action is to apply for a determination, she/he should do so using the accompanying application form supported by additional documentation where necessary.

The completed application form and supporting documentation should be sent to:

SACRE Chair  
c/o Clerk to SACRE  
City of York Council  
West Offices  
Station Rise  
York YO1 6GA