

From: Roger Gough – Leader of the Council
Joel Cook – Democratic Services Manager

To: Children, Young People and Education Cabinet Committee - 10
May 2022

Subject: Decision 22/00036 – SACRE Membership Update

Classification: Unrestricted

Past Pathway of report: N/A

Future Pathway of report: Executive Decision

Electoral Division: All

Summary: This report sets out the background to the proposed decision to update SACRE Membership arrangements and specifically clarify the eligibility of Humanist Representatives within Group A of SACRE.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse or make recommendations to the Leader of the Council on the proposed decision to:

- a) APPROVE the current Standing Advisory Council on Religious Education (SACRE) membership arrangements without change;
- b) NOTE that the current legislation prohibits the inclusion of Humanist representatives within Group A of SACRE Membership; and
- c) Delegate authority to the Democratic Services Manager to take relevant actions, including but not limited to entering into contracts or other legal agreements, as necessary to implement the decision.

1. Introduction

1.1 This report informs Members of the current situation regarding SACRE Membership and the relevant eligibility issues.

1.2 Following engagement with groups interested in SACRE Membership within Group A (providing voting rights within that committee), further consideration and review of the relevant legislation was undertaken. This confirmed that the Education Act 1996 does not permit the inclusion of Humanists within Group A of SACRE as normal voting members. The legislation makes provision for the Local Authority to make membership arrangements to allow for appropriate religious groups within the local authority area and it has been further clarified through legal advice that Humanism is not recognised under the legislation as fitting within this scope.

- 1.3 It is important to highlight that the legislative position does not prohibit the involvement of Humanists or other relevant groups who may not meet the eligibility criteria within the legislation via other membership arrangements, such as co-option or observer status.
- 1.4 In the interests of clarifying KCC's position and to confirm ongoing compliance with the core legislation, this decision is proposed to approve the existing Membership arrangements as they stand presently. This approval includes explicit confirmation that consideration has been given to the inclusion of Humanist Representatives and that it has been determined that such representation is not permissible under the current legislation.
- 1.5 The current SACRE Membership arrangements are published and available on the KCC Website and feature with SACRE agenda papers. These outline the representation already provided by willing volunteers from across the educational, religious, trade union and Local Authority sectors. No change to the current Membership arrangements is necessary and this decision confirms the continuation of the existing representation requirements. SACRE representatives are sought from relevant appointing bodies which, in the opinion of the Authority are appropriately placed to nominate individuals to serve on SACRE.
- 1.6 KCC will review SACRE Membership arrangements on a regular basis and bring forward future decisions when any substantive changes are required.

2. Background

- 2.1 SACRE sits as an outside body, with responsibilities relating to advising the local authority and education providers regarding the teaching of religious education. It draws membership from a range of people, with the membership separated into specific sections (with each section having one vote at full meetings of the SACRE).
 - (a) Christian denominations (other than the Church of England) and other denominations and religions as in the opinion of the Authority reflect the principal religious traditions in Kent. The number of representatives approved under the category shall, so far as is consistent with the efficient discharge of this group's functions, reflect broadly the proportionate strength of that denomination or religion in the area.
 - (b) The Church of England
 - (c) Teacher Associations having regard to local circumstances.
 - (d) The Local Authority
- 2.2 KCC is responsible for considering the appropriate representation for Group (a) – Christian denominations and other denominations and religions. Such consideration may be given from time to time as the Local

Authority deems necessary and in response to specific requests for updates to representation.

- 2.3 SACRE meeting three times per year and agrees matters via general consent with minimal formal voting taking place at meetings. As per the above, individual members of SACRE do not have a personal vote in the main SACRE meetings as any matters for determination which require a vote are agreed by votes being cast only by the Group Convener of each membership group (A, B, C and D). The votes of Group Conveners, where a vote is required, are determined separately via the individual Groups. In practice, SACRE provides a useful forum for the Members to discuss the issues, explore opportunities for improvements in the teaching of RE and develop innovative ways to increase general understanding of the subject. Consequently, the focus of meetings is positive debate and discussion which can take input from all attendees, rather than a focus on Group voting arrangements.

3. Financial Implications

There are no financial implications for the Council.

4. Legal implications

- 4.1 The relevant legislation (Education Act 1996) does not permit the inclusion of Humanist Representatives as voting members of Group A on SACRE. This decision confirms KCC compliance with the legislation but recognises the potential alternative methods of inclusion which would not be contrary to law and also recognises the need to review the arrangements in the event of any legislative change or the issuing of relevant guidance by the DfE.

5. Equalities implications

- 5.1 Religion and Belief, as a protected characteristic under the Equality Act does include a lack of faith in an organised religion and it is recognised that the decision does limit the capacity for those without faith (Humanist representatives) from participating in SACRE as voting Members within Group A. However, the proposed arrangements are in line with the legislation and requirement that these seek to provide representation to particular religious groups within the Local Authority area, as determined by the Local Authority. Opportunities for alternative involvement mitigate the negative impact.

6. Conclusions

- 6.1 The Leader, by taking the proposed decision, is confirming the continuance of existing arrangements and their compliance with the relevant legislation. This clarifies the situation and provides clear evidence for the justification of maintaining a legally compliant approach, in the absence of any legislative change or new guidance.
- 6.2 Alternative arrangements can be made to facilitate the involvement of interested groups (Humanists and others) who do not meet the legal

criteria for inclusion as voting members within Group A. SACRE as the relevant outside body may consider co-option or observer status for interested representatives and KCC as the responsible Authority will liaise with the SACRE to manage any relevant processes.

6.3 The decision is procedural and administrative in nature and is taken without any direct comment on the merits of membership of any relevant interested groups. By seeking to confirm continued compliance with the existing legislation, KCC is also clarifying that those with concerns in relation to the eligibility arrangements should raise these directly with government. This decision anticipates the need to review the membership arrangements in future should the legislation change or new guidance be issued.

7. Recommendation(s):

The Cabinet Committee is asked to consider and endorse or make recommendations to the Leader of the Council on the proposed decision to:

- a) APPROVE the current Standing Advisory Council on Religious Education (SACRE) membership arrangements without change;
- b) NOTE that current legislation prohibits the inclusion of Humanist representatives within Group A of SACRE Membership; and
- c) Delegate authority to the Democratic Services Manager to take relevant actions, including but not limited to entering into contracts or other legal agreements, as necessary to implement the decision.

8. Background Documents

SACRE Membership
SACRE Terms of Reference

9. Contact details

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