

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

To: Children, Young People and Education Cabinet Committee - 21 November 2023

Subject: Decision 23/00087 – SACRE Membership

Classification: Unrestricted

Past Pathway of report: N/A

Future Pathway of report: Executive Decision

Electoral Division: All

Summary:

This report sets out the reasoning for the recommended membership based upon consideration of the most recent census information and the recent guidance on representation options made available via the court judgement on non-religious groups' involvement with 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 new Standing Advisory Council on Religious Education (SACRE) membership arrangements (see appendix 1).
- b) Delegate authority to the Democratic Services Manager, in consultation with the Leader of the Council, to take relevant actions including but not limited to entering into contracts or other legal agreements, as needed to implement this decision.

1. Background

1.1 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 the following four specific Groups (each group has one single vote at full meetings of the SACRE on matter requiring decision):

(A) Christian denominations (other than the Church of England) and other denominations and religions as in the opinion of the Local Authority (LA) 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

- 1.2 The current SACRE Membership arrangements are published and available on the KCC Website and feature with SACRE agenda papers. These outline the representation provided by willing volunteers from across the educational, religious, trade union and Local Authority sectors.
- 1.3 SACRE representatives are sought from relevant appointing bodies which, in the opinion of the LA, are appropriately placed to nominate individuals to serve on SACRE.
- 1.4 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 LA deems necessary. The National Association of SACRE's (NASACRE) guidance handbook notes that the composition of Group (a) should reflect the diversity of the various faith communities in the locality. In light of the publication of the 2021 Census data and the recent court decision updating the eligibility of Humanist representation on Group A, it is appropriate to review the membership.
- 1.5 SACRE meets three times per year and normally agrees matters by consensus or general assent. Individual members of SACRE do not have a personal vote as any matters for determination which require a vote at formal SACRE meetings. Any votes are decided by votes cast only by the Group Convener of each membership group (A, B, C and D). Each Group makes its own arrangements for determining how it may vote on any given issue on the SACRE agenda. In practice, SACRE provides a useful forum for the members to explore opportunities for improvements in the teaching of religious education and worldviews and to develop innovative ways to increase general understanding of the subject.

2. Census data review

- 2.1 This section considers how the existing SACRE membership is representative of the 2011 Census data and identifies any updates needed in response to the 2021 census data to keep the membership proportionate to the denominations or religions in the Kent.
- 2.2 There has been minimal change in the recorded figures for religious demography with the exception of a significant reduction in the number of people identifying as Christian (a drop of approx. 150,000) and a roughly equivalent increase in the number reporting they have no religion. Christianity and no religion represent the largest proportions of the population at 48% and 40% respectively. Other groups already represented on SACRE, such as Islam and Hinduism saw significant proportionate increases but overall numbers still represent a small percentage of Kents population.
- 2.3 A comparison of the 2011 and 2021 census data does not support a substantive change to the SACRE membership in terms of the number of

representatives required for established groups. Consequently, no changes to the number of representatives for each religious group is recommended on the basis of population developments.

3. SACRE Membership update in relation to Humanism eligibility

- 3.1 The previous SACRE Membership decision taken in 2022 set out that the Council had been advised that it was unlawful to appoint Humanism representatives to Group A of SACRE because the legislation restricted membership to organisations representing established religious groups. In view of the advice, the previous decision took no view on the merits of formal Humanism representation on SACRE and instead only confirmed compliance with legislation as it stood at the time.
- 3.2 Subsequent to the decision, the Council was subject to legal proceedings challenging the decision. The Council's legal advice continued to be that the legislation was specific in its restriction of Group A membership to representatives of established religions and non-religious groups were not permitted. The Court considered the issue and issued a judgement indicating that the 1996 legislation required re-interpretation in line with the developing approach to Religious Education which now extended further into beliefs and worldviews, including those of a non-religious nature. On that basis, the legal position has now been updated and reconsideration of SACRE's membership is required in light of the clarified eligibility of non-religious groups.
- 3.3 Having received representations from Kent Humanists (the organisation), to be considered for inclusion on Group A of SACRE, the recommended Membership proposed in this decision includes a Humanist representative on Group A. This recommendation is based on the level of interest shown by Kent Humanists, the national picture of increasing Humanist engagement with the activities of SACREs and a recognition of the development of Religious Education as focusing of Beliefs and Worldviews rather than solely established religions.

4. Financial Implications

- 4.1 There are no financial implications for the Council.

5. Legal implications

- 5.1 The membership arrangements for SACREs are set out in section 390 of the Education Act 1996. Interpretation of the legislation has now been updated substantively by the 2023 court case. This decision, representing fresh consideration of Kent SACRE's membership arrangements, in light of the recent census data and the court case, evidences compliance with the revised legal position through required reconsideration of SACRE's membership.

6. Equalities implications

- 6.1 Religion and Belief, as a protected characteristic under the Equality Act, does include a lack of faith in an organised religion. This protected characteristic is

impacted by the decision, due to the equity of representation being provided to both religious and non-religious organisations within SACRE based on the revised legal position. Material impact is minimal due to the voting process and operational arrangements of SACREs but in principle the decision minimises any potential negative impact through exclusion of interested groups on the basis of faith or lack thereof.

7. Conclusions

- 7.1 The Decision is necessary to update the SACRE Membership both in terms of general periodic review, to take account of the revised legal position confirmed by the court and the Kent Humanist group request to join Group A.
- 7.2 Standing arrangements for the consideration of co-optees and their inclusion on a non-voting basis allows for SACRE to increase involvement and bring in additional expertise or points of view to support its activities. This is separate from the KCC decision-making regarding formal membership and will continue to allow interim updates to the meeting attendance.

8. Recommendation(s):

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

- a) APPROVE the new Standing Advisory Council on Religious Education (SACRE) membership arrangements (see appendix 1).
- b) Delegate authority to the Democratic Services Manager, in consultation with the Leader of the Council, to take relevant actions including but not limited to entering into contracts or other legal agreements, as needed to implement this decision.

8. Appendices

Appendix 1 - Proposed SACRE Membership
Appendix 2 - SACRE Constitution/Terms of Reference
Appendix 3 - 2011 and 2021 Census Data

9. Contact details

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