Deciding what needs to go in the constitution

Preamble

Most constitutions start with legal basis for SACREs, stating that the SACRE has been established under the provisions of Section 390 – 397 of the 1996 Education Act. As a part of this, or often at the end, there will be a paragraph on terms used in the constitution, e.g. 'Members' refers to those appointed by the local authority to represent interest groups in accordance with the 1996 Education Act.

Membership

There are two kinds of membership on SACRE:

1. Those nominated by the appropriate sponsoring Groups and formally appointed by the local authority, and who work within one of the 4 Groups
2. Those co-opted by SACRE

The constitution should specify the numbers of representatives in each Group and, in the cases of Groups A, C and D, specify which particular faith group (Group A) or teachers' organisation (Group C) they represent. In the case of Group D which political group they represent, ensuring political balance, or which other group deemed necessary by the authority, such as a governors association. With reference to Group A the Education Act 1996, paragraph 390 (6) states:

The number of representative members appointed 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.

It is the responsibility of the local authority to determine who should be in this Group but they would normally consult local faith communities and existing SACRE members before making a decision. SACRE, though, has no legal right to veto the decision of the local authority in this matter. This section should also indicate under what circumstances and how a member might be removed from SACRE and how an existing member can resign. It should also indicate the normal term of membership (usually four years) before members are reappointed or replaced. With regard to co-opted members, the constitution should state how SACRE would go about co-opting a member, the length of term they would be expected to serve before needing to be co-opted again and their rights in terms of voting. The constitution should be clear about substitutions for absent members.

Officers (Including the Chair and the Clerk, and the LA Officer)

The constitution should clearly set out how meetings are to be conducted, including the role of the Chair of SACRE and how he or she is appointed or elected. This section will also cover the roles of the Clerk to SACRE, the RE professional officer and other officers of the local authority who will attend. The constitution should explain the process of nominating / electing / appointing a Chair. It would be expected that the person taking up this role understood the work of the SACRE and therefore the constitution may describe requirements for someone standing for the post. For example that they have been a SACRE member for at least one year. The constitution should specify the length of their office. In some constitutions there is also the position of Vice Chair (in some constitutions called a Deputy Chair). Where there is a Vice Chair their role should be outlined clearly. In some constitutions there is a requirement that where there is a Chair they are from a different

Group to the Chair. Some constitutions require that the Chair of SACRE will rotate between the Groups, sometimes on an annual basis at other times on a biannual basis. The running of meetings Given the peculiar nature of voting on SACREs the constitution will set out what is needed for SACRE to be quorate, this would always mean that at least one member of each Group is present – in line with statute. For example, some SACREs include within their quoracy rules the need for at least one member from a faith / belief that is not Christian to be present. Similarly, it should state how votes are made and the arrangements for deciding on a tied vote.

Administrative arrangements

Within the constitution there should be something about removing members or members of the public from the meeting if necessary and under what conditions members of the press and public can be excluded. The constitution should clearly set out the number of meetings per year, including defining which of those meetings shall be deemed the annual general meeting for the appointing or electing of a Chair; and Vice Chair where required. This may be the first meeting following the appointment of new elected members or the beginning if a new municipal year. The constitution should also set out how the following are to be done:

- agenda setting meetings and who shall be present
- sending out of reports and to whom they shall be sent
- when minutes will become available prior to formal adoption
- how the SACRE's annual report will be presented to the council

The administrative arrangements should also make clear that certain expenses, but not all, may be covered by the local authority so that SACRE can function, hence it should cover expenses and supply cover for teachers but not loss of earnings. Ideally it should state that there will be a budget identified for SACRE on an annual basis. The issue of sub-groups and their composition should be included here and the procedure for an extraordinary meeting of SACRE if the need for one arises. Advice, guidance and determinations The constitution should state how its advice and guidance would be disseminated by the local authority to schools. Similarly, it should state the procedure if a school was to request a determination; see:
https://www.legislation.gov.uk/ukpga/1996/56/part/V/chapter/III/crossheading/determinations-by-standing-advisory-councils

Code of conduct

Some SACREs have a code of conduct agreed by members and as it is expected that members work within that code it should be referenced in the constitution and attached as an appendix. NASACRE has a generic **code of conduct** for SACREs to use or adapt.

Complaints

The constitution should set out a basic complaints procedure if someone were to make a complaint about SACRE as whole or individual members behaving in their capacity as SACRE members.

Standing Orders

A number of SACREs have standing orders appended to the constitution that set out the standing items for the agenda, or the detailed procedures for a determination request. Some SACREs have used this mechanism to keep the constitution short with detail coming later in the form of standing orders. This is not necessary but some might find it useful.

Agreed Syllabus Conferences

Agreed Syllabus Conferences (ASC) can have their own constitutions or they can be incorporated into the SACRE constitution. It is important to be clear that the ASC is a body appointed by the local authority according to the same structure as a SACRE but the membership of one does not automatically mean membership of the other. Hence, the ASC may have a wholly different membership to the SACRE, a shared membership or be coterminous with SACRE. Co-opted members of SACRE, though, cannot be members of the ASC as there is no option to co-opt to an ASC. Voting, too, on an ASC is different to that of SACRE in that all committees (not Groups as in SACRE) have to vote for a syllabus before it can be adopted. It has to be unanimous, not simply a majority. See: http://www.legislation.gov.uk/ukpga/1996/56/schedule/31

Reviewing a constitution

The constitution will need reviewing if there is a change in legislation or of the religious demographics of the area. It is good practice, though, to review the constitution on a four yearly basis given the term of appointment for members. The review should be undertaken by or in partnership with the LA's legal services but all four Groups that constitute SACRE must agree to those changes, unless they are mundane – such as the removal of references to bodies that no longer exist.