

EQIA Submission – ID Number

Section A

EQIA Title

SACRE Membership review

Responsible Officer

Joel Cook - ST GL

Type of Activity

Service Change

No

Service Redesign

No

Project/Programme

No

Commissioning/Procurement

No

Strategy/Policy

No

Details of other Service Activity

Review of Outside Body Membership - Local authority responsible for considering appropriate membership arrangements as and when it deems necessary

Accountability and Responsibility

Directorate

Strategic and Corporate Services

Responsible Service

GLD

Responsible Head of Service

Joel Cook - ST GL

Responsible Director

Benjamin Watts - ST GL

Aims and Objectives

Aim and Objective

Take a decision on Standing Advisory Council on Religious Education (SACRE) Membership to confirm ongoing compliance with national legislation (Education Act 1996).

This decision would provide updated clarification that the existing membership arrangements will be maintained and provides clarity on how other membership arrangements (e.g. co-option) may be explored outside of the legally prescribed membership groups.

Background and context:

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

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.

Equality implications:

It was recognised at the outset that any decision on SACRE Membership would have an intrinsic implication for all those included within Religion and Belief as a protected characteristic. Considering that this category includes those of no faith and those with faith, it actually includes all persons.

Of particular note, this decision sought to clarify that under the Education Act 1996, Humanist representatives and representatives of other non-religious groups are not permitted to join SACRE as full voting Members of Group A. Following correspondence and a request from a Humanist representative, KCC undertook to consider the matter as part of a formal decision.

This consideration included due regard to the apparent negative impact on the particular applicant group for a seat on SACRE, as well as other groups who may be considered relevant stakeholders for religious education matters but are similarly prohibited under law from being included with Group A on SACRE due to the Education Act.

This negative impact is noted but is the result of applying the current legislation. It was also noted that Welsh Government took active steps to clarify the application of the Education Act with respect to SACREs and the absence of any such action taken by the UK Govt supports the view that within England, compliance with the prohibition on non-religious representatives serving within Group A continues.

Mitigation considerations included a commitment to explore co-option for humanists and other relevant representatives.

Negative impact assessment must also be balanced against the understanding that the legislation intends for Group A to only permit those from religious groups. KCC is making no change to this and is therefore not creating a negative impact but rather confirming ongoing compliance. This does not impose any new obstacles or disadvantage, limiting obligations and options KCC has to manage the situation without breaching the Education Act.

Section B – Evidence

Do you have data related to the protected groups of the people impacted by this activity?

Yes

It is possible to get the data in a timely and cost effective way?

Yes

Is there national evidence/data that you can use?

Yes

Have you consulted with stakeholders?

No

Who have you involved, consulted and engaged with?

No consultation required due to limited scope of decision and as no changes were proposed.

Has there been a previous Equality Analysis (EQIA) in the last 3 years?

No

Do you have evidence that can help you understand the potential impact of your activity?

Yes

Section C – Impact

Who may be impacted by the activity?

Service Users/clients

No

Staff

No

Residents/Communities/Citizens

Residents/communities/citizens

Are there any positive impacts for all or any of the protected groups as a result of the activity that you are doing?

Yes

Details of Positive Impacts

Confirmation on continued legal compliance ensure stable operations for SACRE pending any future review after the latest full Census data is available.

The legislation (Education Act 1996) sets out an expectation that Group A on SACRE should be reserved for those representing formal religious groups. Maintaining the approach is beneficial for those groups in so far as the approach continues to operate on the original legal intentions.

Negative impacts and Mitigating Actions

19. Negative Impacts and Mitigating actions for Age

Are there negative impacts for age?

No

Details of negative impacts for Age

Not Applicable

Mitigating Actions for Age

Not Applicable

Responsible Officer for Mitigating Actions – Age

Not Applicable

20. Negative impacts and Mitigating actions for Disability

Are there negative impacts for Disability?

No

Details of Negative Impacts for Disability

Not Applicable
Mitigating actions for Disability
Not Applicable
Responsible Officer for Disability
Not Applicable
21. Negative Impacts and Mitigating actions for Sex
Are there negative impacts for Sex
No
Details of negative impacts for Sex
Not Applicable
Mitigating actions for Sex
Not Applicable
Responsible Officer for Sex
Not Applicable
22. Negative Impacts and Mitigating actions for Gender identity/transgender
Are there negative impacts for Gender identity/transgender
No
Negative impacts for Gender identity/transgender
Not Applicable
Mitigating actions for Gender identity/transgender
Not Applicable
Responsible Officer for mitigating actions for Gender identity/transgender
Not Applicable
23. Negative impacts and Mitigating actions for Race
Are there negative impacts for Race
No
Negative impacts for Race
Not Applicable
Mitigating actions for Race
Not Applicable
Responsible Officer for mitigating actions for Race
Not Applicable
24. Negative impacts and Mitigating actions for Religion and belief
Are there negative impacts for Religion and belief
Yes
Negative impacts for Religion and belief
The decision confirms that, under the relevant legislation, Humanist Representatives and representatives of other groups not considered to be formal religions, continue to be prohibited from sitting as voting members on Group A of SACRE.
This has the official effect of barring certain individuals and groups from participating in a public body in a certain way. That is not necessarily inappropriate or contrary to law as eligibility criteria are common in a range of public body activities.
The decision and the legislation do not prohibit the involvement of Humanist or other similar representatives from participating in the work of SACRE in other ways such as a observers, guests and co-optees. KCC is not responsible for deciding co-optees - that is for SACRE to determine.
Mitigating actions for Religion and belief
A commitment has been made to advise SACRE that co-option for Humanists and other similar groups

would be appropriate.

The offer of observer status for the local humanist association has been maintained.

The actual negative impact of not being able to be a voting member is minimal due to the meeting arrangements - only Group Conveners may cast a single vote at SACRE meetings when matters for decision require a vote (this is extremely rare due to the desire to regularly seek general consensus) and Groups decide how the group convener will vote according to their own arrangements - KCC does not manage or administer this element but as per above, voting is extremely rare.

Responsible Officer for mitigating actions for Religion and Belief

Joel Cook

25. Negative impacts and Mitigating actions for Sexual Orientation

Are there negative impacts for Sexual Orientation

No

Negative impacts for Sexual Orientation

Not Applicable

Mitigating actions for Sexual Orientation

Not Applicable

Responsible Officer for mitigating actions for Sexual Orientation

Not Applicable

26. Negative impacts and Mitigating actions for Pregnancy and Maternity

Are there negative impacts for Pregnancy and Maternity

No

Negative impacts for Pregnancy and Maternity

Not Applicable

Mitigating actions for Pregnancy and Maternity

Not Applicable

Responsible Officer for mitigating actions for Pregnancy and Maternity

Not Applicable

27. Negative impacts and Mitigating actions for Marriage and Civil Partnerships

Are there negative impacts for Marriage and Civil Partnerships

No

Negative impacts for Marriage and Civil Partnerships

Not Applicable

Mitigating actions for Marriage and Civil Partnerships

Not Applicable

Responsible Officer for Marriage and Civil Partnerships

Not Applicable

28. Negative impacts and Mitigating actions for Carer's responsibilities

Are there negative impacts for Carer's responsibilities

No

Negative impacts for Carer's responsibilities

Not Applicable

Mitigating actions for Carer's responsibilities

Not Applicable

Responsible Officer for Carer's responsibilities

Not Applicable