

## **Cabinet**

**14 December 2022**

### **Proposed revisions to the constitution for the Durham County Council Standing Advisory Council for Religious Education (SACRE)**

**Ordinary Decision**



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## **Report of Corporate Management Team**

**John Pearce, Corporate Director of Children and Young People's Services**

**Councillor Amanda Hopgood, Leader of the Council**

**Councillor Ted Henderson, Cabinet Portfolio Holder for Children and Young People's Services**

### **Electoral division(s) affected:**

None

### **Purpose of the report**

- 1 To bring to the attention of Cabinet a request from DCC Standing Advisory Council for Religious Education (SACRE) to make a change to its membership, which action requires altering the constitution.

### **Executive summary**

- 2 An alteration to the SACRE constitution can only be approved by Cabinet, so this report sets out the background, circumstances and implications of a request to change membership and asks that Cabinet approves the change.
- 3 The establishment of SACRE is part of the Council's statutory duties under the Education Act 1996, and its membership must represent an appropriate reflection of the principal religious traditions of the region.
- 4 In attempting to achieve this, SACRE advises the Council that a representative of the Humanist non-religious worldview, currently co-opted without voting rights, should become a full member alongside denominations and religions currently forming Committee A of SACRE.

- 5 Other SACREs nationally have responded to the question of Humanist representation, either fully (as Durham SACRE advises it would like to achieve through the proposed constitution change), by co-opted representation (as Durham SACRE has currently), or not at all.
- 6 The Council is able to make the decision that most appropriately meets its statutory duties as summarised in paragraphs 10 and 11 below.

## **Recommendations**

- 7 Cabinet is recommended to:
  - (a) note the current membership arrangements of Durham's SACRE; and
  - (b) approve the request that Cabinet alters the constitution to enable Humanist representation.

## Background

- 8 There is a duty placed upon local authorities under section 390 of the Education Act 1996 to establish a Standing Advisory Council on Religious Education.
- 9 The representative groups a local authority must appoint are:
- (a) a group of persons to represent such Christian denominations and other religions and denominations of such religions as, in the opinion of the authority, will appropriately reflect the principal religious traditions in the area. The numbers representing each denomination or religion should reflect broadly the proportionate strength of that denomination or religion in the area (Committee A);
  - (b) a group of persons to represent the Church of England (Committee B);
  - (c) a group of persons to represent such associations representing teachers as, in the opinion of the authority, ought to be represented, having regard to the circumstances of the area (Committee C);
  - (d) a group of persons to represent the authority (Committee D).
- 10 Section 391 of the Education Act 1996 sets out the functions of the SACRE, including advising the local authority on matters connected with religious worship in maintained schools and religious education in these schools in accordance with an agreed syllabus, including methods of teaching and provision of training.
- 11 In addition, the members of Committees A, B and C may at any time require a review of any agreed syllabus that the local authority has adopted. Each representative group has a single vote on the question of whether to require such a review.
- 12 The SACRE should also publish an annual report specifying matters on which they have advised the Council.
- 13 SACRE's Constitution sets out the current membership as follows:
- Committee A** - the Methodist Church (2), the United Reformed Church (2), the Roman Catholic Church (2), the Baptist Church (1), the Assemblies of God (1), Salvation Army (1), Society of Friends (1); Hinduism (1), Buddhism (1), Sikhism (1), Judaism (1), Islam (1), Spiritual Assembly of the Bahai Faith (1);
- Committee B** - 5 representatives of the Church of England;
- Committee C** - 8 representatives of teaching unions plus 2 representatives from the R.E. Curriculum Development Group;

## **Committee D - 4 Elected Members.**

In addition, there are currently 2 co-opted members.

- 14 There are currently 5 vacancies in Committee A and 4 vacancies in Committee C.
- 15 The constitution of Durham's SACRE was amended on 14 September 1994 to allow the inclusion of a representative of the Buddhist faith to SACRE and to serve on the Durham Agreed Syllabus Committee. On 6 February 2003, a further amendment was agreed to allow the inclusion of a member of the Bahai' faith. At the same time an application to join SACRE was received from a Humanist representative, but the amended constitution did not extend the group of representative members to include a Humanist at that time.
- 16 SACRE has reviewed its membership again and has requested a change to the constitution that would allow the representative of the Humanist non-religious worldview, currently co-opted and without voting rights, to be admitted to Committee A.
- 17 As SACRE does not determine its own membership, this is a matter for the Council to decide and any agreement would need to be made by Cabinet. SACRE can advise the Council about what it feels is a properly representative membership, but this remains simply as advice until ratified by the Council.
- 18 Currently the majority of SACREs nationally have Humanist representation, but in a range of different capacities; some do not include them at all. Like Durham's SACRE, some have included them as co-opted members with no voting rights (and this has not necessitated a change to the constitution). Northumberland County Council admitted a Humanist representative to Committee A in July 2021 and Darlington did so in November 2019. Southampton, by contrast, has been threatened with legal action by refusing to do so in April 2021, although this action was paused on condition the Council agreed to consider the matter at a later date, which it has agreed to do.
- 19 Over 40 councils now have Humanist representatives on Committee A of their SACREs. At least one local authority has a Humanist representative with voting rights as part of Committee D – the County Council members.
- 20 It might be assumed that local authorities with Humanist representation on their SACREs decided upon this because there are significant numbers of non-religious people in the community. Humanism and other non-religious worldviews feature in the Religious Education syllabus and must be studied. Humanists UK have membership on the national R.E. Council.

- 21 The Welsh Government, in response to a judicial review in Glamorgan that found Humanism to be analogous to a religion, accepted that it would be appropriate for Humanists to be considered eligible for inclusion in Committee A of SACREs. The Department for Education has made it clear that it has no intention of issuing similar guidance regarding English SACREs but notes that Humanists are already represented on Committee A in many SACREs in England.
- 22 The view of NASACRE (the National Association of Standing Advisory Councils on Religious Education) on the question, "Can we appoint Humanists to our SACRE?" is:

"to appoint a Humanist representative to group (a) [*ie: Committee A*], the LA must satisfy itself that Humanism is at least 'analogous' to a religion." and:

"It is also worth noting that members of groups (c) and (d) [*ie: Committees C and D*] may be of any faith, or none. Meetings are open to the public, and many SACREs co-opt representatives (often including Humanist representatives). It is worth remembering that each group has one collective vote."

- 23 Section 10 of the Equality Act 2010 also may provide guidance as it recognises that an acknowledgement of religion carries with it the acknowledgement that a "lack of religion" must also form part of the characteristic make-up of 'the principal religious traditions in [an] area'.

"(1) Religion means any religion and a reference to religion includes a reference to a lack of religion. (2) Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief."

Whether that "lack of religion" can be fairly represented by the appointment of a Humanist to SACRE, and whether such an appointment proportionately reflects the strength of any "lack of religion" in an area, is for the Council to agree and determine.

- 24 In other words, the number of representatives of the Humanist and other non-religious worldviews (such as pantheist, nihilist, Marxist or any secular worldview) would need to reflect the strength of "lack of religion" in the area, just as the nominations of representatives of religious groups are intended to reflect the strength that these groups have in the community that Durham's SACRE covers.
- 25 This approach will help to ensure proportionate and balanced representation of all worldviews, religious and non-religious, which feature in the R.E. Agreed Syllabus.
- 26 The functioning of the local authority's SACRE depends upon this proportionate and balanced representation of religions, non-religious worldviews and beliefs, whether achieved by adjusting the

membership of that group (which action requires a change to the SACRE constitution) or by other means as suggested in paragraphs 18 and 19 above.

## **Conclusion**

- 27 If, on consideration, Cabinet agrees to the request of Durham's SACRE to change the current membership, arrangements will be made to agree consequent amendments to the Constitution.

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## **Appendix 1: Implications**

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### **Legal Implications**

The duty to establish a standing advisory council on religious education and its functions are set out in the Education Act 1996 and summarised in this report at paragraphs 6 to 10.

### **Finance**

There are no financial implications arising from the recommendations in this report.

### **Consultation**

Not required.

### **Equality and Diversity / Public Sector Equality Duty**

An Equality Impact Assessment is attached as Appendix 4.

### **Climate Change**

Not applicable.

### **Human Rights**

Human rights are not affected by the recommendations in this report.

### **Crime and Disorder**

None.

### **Staffing**

Not applicable.

### **Accommodation**

None.

### **Risk**

There is a risk that, as a consequence of actions taken by the Council to include or exclude a representative of the Humanist non-religious world view (or the failure to make a decision on this matter) that pupils and students do not receive an adequate religious education.

There is a risk that denial of the request to include a Humanist representative on Committee A could result in legal challenge, as has happened in both Greenwich and the Vale of Glamorgan, and which is currently paused in Southampton Council pending further consideration of the request to alter membership.

**Procurement**

Not applicable

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## **Appendix 2: Members**

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See document attached separately.

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## **Appendix 3: Constitution of the Durham County Council Standing Advisory Council on Religious Education**

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See document attached separately.