#### **Public Document Pack**

MEETING STANDING ADVISORY COUNCIL

FOR RELIGIOUS EDUCATION

(SACRE)

**EXTRAORDINARY MEETING** 

DATE Tuesday, 2nd November, 2021

5.00 pm

VENUE **COMMITTEE ROOMS 1 AND 2 - CIVIC** 

CENTRE

ENQUIRIES ALISON PHILPOTT

Email: alison.philpott@southampton.gov.uk

MEMBERS SEE ATTACHED LIST

#### AGENDA

#### 1. APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)

To receive any apologies and changes to membership.

#### 2. STATEMENT FROM THE CHAIR

Covid 19 Meeting Protocol (Pages 1 - 2)

#### 3. <u>DECLARATION OF INTERESTS</u>

- 4. **CODE OF CONDUCT** (Pages 3 14)
- 5. **SACRE CONSTITUTION AND MEMBERSHIP** (Pages 15 30)

To review SACRE Constitution including Membership.

Monday, 25 October 2021



## STANDING ADVISORY COUNCIL FOR RELIGIOUS EDUCATION MEMBERSHIP

#### **GROUP A**

#### **Christian Denominations\***

(\* Religions and other bodies listed in the SACRE Constitution)

The Roman Catholic Church	Steve Deadman	
The Baptists	Chris Davis MBE	
The Religious Society of Friends	VACANCY	
(Quakers)		
The Greek Orthodox Church	VACANCY	
The Fellowship of Independent	Ruth Gill	
Evangelical Churches		
The Methodist Church	VACANCY	
The United Reformed Church	Susanne Dawson	
The Assemblies of God	Neil Maddock	
The Salvation Army	VACANCY	

#### **Other Religions**

Religions other than Christianity (as listed in the SACRE Constitution) – Baha'i, Buddhism, Judaism, Hinduism, Islam, Sikhism = 6

Baha'i	Elizabeth Jenkerson	
Buddhist	VACANCY	
Hindu	VACANCY	
Jewish	Dr Gil Dekel	
Muslim	Anas Al-Korj	
Sikh	VACANCY	

#### **GROUP B**

(Four representatives of the Church of England)

#### The Church of England

Lucy Hepinstall	
Rev Tony Palmer	
Liz Allen	

#### From diocesan education team:

Richard Wharton	

#### **GROUP C**

(Six teachers representing associations recognised by the Authority for the purposes of consultation and negotiation)

National Education Union (NEU)	Amelia Day
The National Association of Schoolmasters/ Union of	Suzanne Underwood
Women Teachers (NASUWT)	
Association of School and College Leaders (ASCL)	VACANCY
National Association of Head teachers (NAHT)	Sian Carr

#### **GROUP D**

(4+substitute) - Four representatives of Southampton City Council, at least two of whom shall be elected members of the City Council)

Councillor Matthew Bunday	
Councillor Toqeer Kataria	
Councillor Valerie Laurent	
Councillor Matthew Magee	

GROUP D SUBSTITUTE	Mrs. Kate Martin
	l l

#### OTHERS (Non-voting)

#### **CO-OPTED MEMBERS**

Representative	Mary Wallbank	South Hampshire	
		Humanists	
Professional Advisor	Alison Philpott	Southampton City Council	
Secondary RE Lead Rep	Suzanne Underwood	Bitterne Park Secondary	
		School	
ASC	Amelia Day	Newlands Primary School	
ASC	Suzanne Underwood	Bitterne Park School	
ASC	Chloe Foster	The Polygon School	
The Church of England	Sam Jordan		
Southampton Council of	Carol Cunio		
Faiths			
Southampton City Mission	Matt Gwyn		



## Agenda Item 2

#### COVID – 19 MEETING PROTOCOL – COMMITTEE ROOMS 1&2

#### GENERAL POINTS FOR ALL IN ATTENDANCE

- All attendees are strongly encouraged to undertake the free Covid-19 lateral flow test within 24 hours prior to attendance at any meetings available from <a href="https://www.gov.uk/order-coronavirus-rapid-lateral-flow-tests">https://www.gov.uk/order-coronavirus-rapid-lateral-flow-tests</a>
- If you are experiencing COVID-19 symptoms, have tested positive for COVID-19, or are self-isolating you must not attend the meeting.
- We advise that you should not attend the event if you are a close contact of a positive case even when exempt from self-isolation, in order to protect other people who may be vulnerable.
- Please consider in advance how you will safely travel to and from the meeting. Walking or cycling recommended where possible
- Hand Sanitising points will be available on entry and exit to the venue.
- Consideration should be given to the wearing of face coverings to reduce the risk to individuals and others. Face coverings in crowded enclosed spaces are expected and recommended.
- Identified seating plan will be devised that allows for space between seats. Side to side seating advised rather than face to face seating where possible.
- You will be responsible for your own refreshments while in attendance at the meeting.
- There should be no unnecessary movement around the meeting room. There should be no sharing of stationery, documents or other equipment. We request that attendees do not adjust any ventilation settings in the room or close windows that have been left open.

#### COUNCILLORS AND OFFICERS

- All Councillors and Officers attending the meeting are strongly encouraged to take a staggered approach to arrival/departure and avoid any socialising and mixing before or after the meeting.
- A seating plan will be devised and seating will be labelled accordingly.
- Consideration should be given to the wearing face coverings, especially if attendees are coming into close contact with people they do not usually meet. Face coverings in crowded enclosed spaces are expected and recommended.
- Microphones in Conference Room 1&2 are free standing, there is no requirement for these to be shared or passed around.

#### PUBLIC/MEDIA ATTENDANCE

- Public and Media attendees are encouraged to please provide some advance notice of their intention to attend the meeting by contacting <u>democratic.services@southampton.gov.uk</u> or by telephoning 023 8083 2412 as we may need to review the venue to ensure we can facilitate a Covid-safe meeting.
- There will be clearly defined seating areas for members of the public and media.
- Consideration should be given to the wearing of face coverings, especially if attendees are coming into close contact with people they do not usually meet. Face coverings in crowded enclosed spaces are expected and recommended.
- Members of the public/media wishing to attend conference rooms 1&2 for particular agenda items will be escorted in and out of the room by a member of council staff.

It is important to note that although the impact of the COVID-19 testing and vaccination programmes has been positive, COVID-19 remains a serious risk to health and the 'Hands Face Space Fresh Air' message is still crucial. People who have been vaccinated and/or tested negative for COVID-19 should still apply COVID-safe measures such as social distancing, good hand hygiene and wearing of face coverings where recommended.

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#### THE CODE OF CONDUCT FOR MEMBERS

#### PART 1 – Introduction and Interpretation

This Code applies to you as a member of this authority when you act in your role as a member and it is your responsibility to comply with the provisions of this Code.

As a member you are a representative of this authority and the public will view you as such, therefore, your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

This Code is based upon the "Nolan Principles – the seven principles of public life" which are set out in Appendix 1.

This Code does not cover matters in respect of which the Secretary of State under the Localism Act 2011 specifically provides that criminal sanction shall apply.

In this Code-

"meeting" means any meeting of:

- (a) the authority
- (b) the Executive of the authority
- (c) any of the authority's or its executives committees, sub-committees, joint committees, joint sub-committees, or area committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members

"member" includes a co-opted member (voting and non-voting) and an appointed member.

#### PART 2 – Scope and General Obligations

#### 1. Scope

- (1) This Code applies to all members of Southampton City Council, including co-opted voting members,
- (2) It is your responsibility to comply with the provisions of this Code.
- (3) You must comply with this Code whenever you
  - a. conduct the business of your authority, or
  - b. act, claim to act or give the impression you are acting as a representative of your authority or in your official capacity as a member of the authority.
- (4) Where you act as a representative of your authority
  - a. on another relevant authority, you must, when acting for that other authority, comply with that other authority's Code of conduct: or
  - b. on any other body, you must, when acting for that other body, comply with your authority's Code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

#### 2. General Obligations

- (1) When acting in your role as a member of the authority
  - a. **do** treat others with respect;
  - b. **do not** conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct of members;
  - c. **do** ensure that you are aware of and comply with the requirements which the Bribery Act 2010 places on you in your role as a Member and on the Council as a whole:
  - d. **do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
    - you have the consent of a person authorised to give it;
    - ii. you are required by law to do so;
    - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
    - iv. the disclosure is-
      - (aa) reasonable and in the public interest; and
      - (bb) made in good faith and in compliance with the reasonable requirements of the authority; and
      - (cc) you have consulted the Monitoring Officer prior to its release.
  - e. **do not** prevent another person from gaining access to information to which that person is entitled by law;
- (2) When using or authorising the use by others of the resources of the authority
  - a. **do** act in accordance with the authority's reasonable requirements including the requirements of the authority's ITC policy and the policies listed at Appendix 2, copies of which have been provided to you and which you are deemed to have read;
  - b. **do** make sure that such resources are not used improperly for political purposes (including party political purposes): and
  - c. **do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

#### PART 3 – Disclosable Pecuniary Interests (Localism Act 2011)

#### 3. Notification of disclosable pecuniary interests

- (1) Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.
- (2) A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the description at Appendix 2.

#### 4. Register of Interests

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

#### 5. Sensitive interests

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

#### 6. Non participation in case of disclosable pecuniary interest

- (1) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting
  - a. you may not participate in any discussion of the matter at the meeting.
  - b. you may not participate in any vote taken on the matter at the meeting.
  - c. if the interest is not registered, you must disclose the interest to the meeting.
  - d. if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
- (2) In addition, Council Procedure Rules and Executive Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place.
- (3) Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member
  - a. must notify the Monitoring Officer of the interest; and
  - b. must not take any steps or further steps in the matter.
- (4) Where you have a disclosable pecuniary interest in any business of your authority, you may attend that meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

#### 7. Dispensations

The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

#### 8. Offences

- (1) It is a criminal offence to
  - a. fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election;

- b. fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- c. fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting:
- d. Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest;
- e. As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest;
- f. Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting;
- (2) The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

#### PART 4 – Other Interests (Personal and Pecuniary)

#### 9. Notification of other interests

- (1) In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must, within 28 days of
  - a. this Code being adopted by or applied to your authority; or
  - b. your election or appointment to office (where that is later),

notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.

- (2) You have a personal interest in any business of your authority where either
  - a. it relates to or is likely to affect—
    - any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
    - ii. any body
      - aa. exercising functions of a public nature;
      - bb. directed to charitable purposes; or
      - cc. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (3) You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph (1), or as a disclosable pecuniary interest notify the Monitoring Officer of the details of that new interest or change.

#### 10. Disclosure of other interests

(1) Subject to sub-paragraphs (2) to (5) below, where you have a personal interest described in paragraph 9 above or in paragraph (2) below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must-

- a. disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) (A) You have a personal interest in any business of your authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
  - (B) In sub-paragraph (2)(A), a relevant person is
    - a. a member of your family or any person with whom you have a close association; or
    - b. any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors:
    - c. any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
    - d. any body of a type described in paragraph 9(2)(a)(i) or (ii).
- (3) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 9(2)(a)(i) or 9(2)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (4) Where you have a personal interest but, by virtue of paragraph 12, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (5) Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

#### 11. Register of interests

A Member shall enter in the authority's register of interests the receipt of any gift or hospitality, where the Member estimates the value to be at least £50, within 28 days of receipt.

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

#### 12. Sensitive interests

Where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

#### 13. Non participation in case of pecuniary interest

- (1) Where you have a personal interest in any business of your authority you also have a pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business
  - a. affects your financial position or the financial position of a person or body described in paragraph 10 ;or
  - b. relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 10.
- (2) Subject to paragraph (4) and (5) below, where you have a pecuniary interest in any business of your authority
  - a. You may not participate in any discussion of the matter at the meeting.
  - b. You may not participate in any vote taken on the matter at the meeting.
  - c. If the interest is not registered, you must disclose the interest to the meeting.
  - d. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
- (3) In addition Council Procedure Rules and Executive Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place.
- (4) Where you have a pecuniary interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- (5) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of
  - a. housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - b. school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - d. an allowance, payment or indemnity given to members;
  - e. any ceremonial honour given to members; and
  - f. setting council tax or a precept under the Local Government Finance Act 1992.
- (6) Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

#### 14. Interests arising in relation to overview and scrutiny committees

- (1) In any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where
  - a. that business relates to a decision made (whether implemented or not) or action taken by the executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - b. at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken,

You may only attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

#### 15. Pre-determination or bias

- (1) Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as member, however do not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- (2) When making a decision, do consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

#### 16. Compliance with Constitution, Rules, Standards and Guidance

Failure to comply with the requirements of the Council's Constitution or any Rule, Protocol, Corporate Standards or Guidance issued pursuant to the Constitution shall be deemed to be a breach of this Code. Rules, Protocols, Corporate Standards and Guidance shall include (but is not limited to) the documents listed in Appendix 3.

#### **NOLAN PRINCIPLES - THE SEVEN PRINCIPLES OF PUBLIC LIFE**

**Selflessness** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

**Integrity** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**Objectivity** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**Accountability** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.

**Honesty** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**Leadership** Holders of public office should promote and support these principles by leadership and example.

#### **DISCLOSABLE PECUNIARY INTERESTS UNDER THE LOCALISM ACT 2011**

INTEREST	DESCRIPTION	
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.	
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.	
	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.	
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—	
	<ul> <li>a. under which goods or services are to be provided or works are to be executed; and</li> </ul>	
	b. which has not been fully discharged.	
Land	Any beneficial interest in land which is within the area of the relevant authority.	
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.	
Corporate tenancies	Any tenancy where (to M's knowledge)—	
	a. the landlord is the relevant authority; and	
	<ul> <li>the tenant is a body in which the relevant person has a beneficial interest.</li> </ul>	
Securities	Any beneficial interest in securities of a body where—	
	<ul> <li>a. that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</li> </ul>	
	b. either—	
	<ul> <li>i. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> </ul>	
	ii. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.	

These descriptions on interests are subject to the following definitions:

"the Act" means the Localism Act 2011;

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

"director" includes a member of the committee of management of an industrial and provident society;

"land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income:

"M" means the person M referred to in section 30 of the Act;

"member" includes a co-opted member;

"relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

"relevant person" means M or any other person referred to in section 30(3)(b) of the Act;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000() and other securities of any description, other than money deposited with a building society.

#### RULES, PROTOCOLS, STANDARDS AND GUIDANCE

- The Southampton City Council Constitution (all parts)
- Corporate Standards for:
  - Decision Making
  - Legality
  - Finance
  - HR
  - IT
  - Procurement
  - Property
- Obligations of Members on Outside Bodies
- Probity in Planning
- Licensing Handbook
- Guidance on Use of Resources
- Health & Safety Roles and Responsibilities for Elected Members
- Officer Member Protocol
- Anti-Fraud and Anti-Corruption Policy and Strategy
- Duty to Act Policy
- Code of Corporate Governance
- Equality Scheme
- Dignity at Work Policy
- <u>Data Protection Policy</u>
- Anti-Money Laundering Policy
- Partnership Code
- Guidance on the Use of Electronic Devices
- Code on Local Authority Publicity



## Agenda Item 5

DECISION-MAKER:	SACRE
SUBJECT:	SACRE – Annual Review of Constitution
DATE OF DECISION:	15 <sup>th</sup> November 2021
REPORT OF:	Alison Philpott
	Cross Phase Adviser

CONTACT DETAILS				
<b>Executive Director</b>	Title	EXECUTIVE DIRECTOR WELLBEING (CHILDREN AND LEARNING)		
	Name:	Robert Henderson	Tel:	023 8083 2079
	E-mail	Robert.henderson@southampton.gov.uk		
Author:	Title	Cross Phase Adviser		
	Name:	Alison Philpott	Tel:	07500050277
	E-mail	Alison.philpott@southampton.gov.uk		

#### STATEMENT OF CONFIDENTIALITY

#### **BRIEF SUMMARY**

The Council is required to consult SACRE (Southampton Standing Advisory Council on RE) annually on a review of the SACRE Constitution and receive any recommended changes put forward following that consultation. Following review of available data regarding the representation of religious and belief demographics within the City, the membership of SACRE is proposed to change, adding an additional member to reflect the full range of beliefs held by people living in Southampton, to include those with professed religious and non-religious beliefs, pending a further review when the most recent Census data is released in early 2022. It is also proposed to provide an additional member to represent Southampton City Mission within group A.

#### **RECOMMENDATIONS:**

(i) To recommend Southampton City Council Cabinet approve the amended Constitution for SACRE attached at Appendix 1 including the addition of two additional voting members in Group A.

One for a representative having no specific religious affiliation, recognising secular representation as a 'belief' within the meaning of the Human Rights Act 1998 and accurately reflecting the changing nature of religious and non-religious beliefs in current society and the Southampton area.

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	One for a representative of Southampton City Mission as representative of their work on behalf of a group of churches not covered by the other members.
(ii)	To note Cabinet will be asked to delegate authority to the Executive Director of Wellbeing, following consultation with the Chair of Sacre to agree an application process and determine any applications / appoint members to the vacancies approved in I above.
(iii)	To note Cabinet will be asked to delegate authority to the Executive Director of Wellbeing, following consultation with the Chair of Sacre to carry out a further review of SACRE membership once the Census 2021 data has been published in 2022 and to bring back any further recommendations on Membership changes to the next annual review of the SACRE Constitution in November 2022

#### REASONS FOR REPORT RECOMMENDATIONS

Current data that has been collected from the available school information systems indicate that parents of over 13,500 children (40%) recorded that their child has "no religion" which is the largest single group represented across current pupils across the city.

During the last review (November 2020) full voting membership for Humanists as a specific group was considered, but not recommended. This previous decision has been considered in this review and there was insufficient evidence that Humanists would represent all people who would be within this population group.

A review of pupil data has shown a need to reflect wider 'belief' systems (including a belief in secularism) and recognises based on the current evidence that a place should be made available to accommodate this within the SACRE Constitution. In order to ensure all groups representing secular or non-religious beliefs have an opportunity to apply for a place on SACRE an application process, has been proposed so SACRE can aim to ensure appropriate representation from across all groups, within the SACRE legal framework, who may belong to the population group in the city, and recognise this would include people who would say they are Humanists.

If this proposal is rejected and the status quo persists then it is probable that the South Hampshire Humanists and / or other affected groups will seek a Judicial Review with an aim to have the decision overturned. A similar risk would exist if Humanists were simply appointed to the SACRE without a fair and transparent application process open to all. This would potentially have a financial and reputational implication to SCC.

The Southampton City Mission should be considered within Group A members as a "Christian Charity seeking to serve the whole Church as it serves the city of Southampton". Southampton City Mission may consider its place within other organisations or together with the other named denominational groups – both of which are within Group A. Therefore, there is a current position to apply for membership within in the current constitution arrangements.

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#### 2. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED To either give full membership to Southampton Hampshire Humanists, but thereby preventing other non-faith groups being represented, or having no non-faith groups represented on SACRE which would disenfranchise a sizeable proportion of those living in Southampton and prevent their views and opinions from helping to shape the overall nature of Religious Education in maintained schools specifically under SACRE statutory duties, and those non-maintained who follow the Locally Agreed Syllabus. Alternatively, to continue with co-opted member status, for both requested membership additions, however this has previously been the subject of legal challenge by a Local Humanist group and while a legal challenge may be defendable under current legislation, it is unlikely to be in the public interest to defend such proceedings when there is evidence supporting the need to review membership to include more secular belief systems being represented on SACRE. **DETAIL (Including consultation carried out)** 1. There is a legal duty to review the membership of SACRE annually in accordance with the Education Reform Act 1988 and Education Act 1996. Investigation has been carried out to ascertain what local population and school level data is available to aid SACRE to determine their decision. The data sets used rely upon all schools having input all information for all pupils. Data validity check indicates this is likely to be reasonably accurate, but it is not 100%. The pupil census information no longer captures religion as a required field hence the non-complete data. 88% of Southampton Schools follow the Locally Agreed RE Syllabus which the SACRE has responsibilities for - all maintained schools, but also 25 out of 29 academies also choose to follow the local syllabus. The 5 Catholic schools have their own Diocesan syllabus they must follow. Therefore, just over 80% of pupils across the city are educated through the SACRE recommended syllabus. The census data, yet to be available will provide more reliable data upon which to base any further decision making for next year's review. At least two additional representative groups have expressed a desire to be represented on SACRE as set out below. These expressions of interest can be taken forward as applications for a place on SACRE within group A -Firstly, for Southampton City Mission as a representative religious body a decision on membership can be made directly within current constitution. Secondly, South Hampshire Humanists can be as part of the proposed application process for a Local Authority designated place for representatives of other belief or non-religiously affiliated groups. 2. A request from the co-opted City Mission representative for Southampton City Mission to become a full member was made in September 2021, Southampton City Mission a well-established charity who in the last year, despite the pandemic have delivered at least part of the religious education provision in 51 schools locally, over 100 days of support and input to schools

but do not otherwise qualify for a voting place on the SACRE under current allocation of places.

The South Hampshire Humanists have also requested their co-opted position be changed to a voting member of Group A.

Legal advice was sought by the Council in September 2019 which indicated it was not appropriate to convert the Humanist co-opted position to a full voting one at that time.

Following the request from South Hampshire Humanists to be considered for a full voting position on SACRE a legal challenged was launched in December 2020 by way of pre action protocol letter (Judicial Review). The Council sustained its legal advice, taking independent Counsels Opinion on the merits of its position, and the Judicial Review was withdrawn. The Council did however agree to review the membership of SACRE as part of that withdrawal agreement and bring forward proposed changes to the SACRE Constitution in November 2021 based on evidence of belief and non-belief systems within the City and the degree to which any individual organisation could claim to represent those. While it is clear that there is a substantial proportion of the population identifying that they either have no faith or another form of belief system, there is insufficient data currently available to determine that these individuals and groups would be adequately represented by the South Hampshire Humanist organisation. It is therefore proposed, in order to be fair and transparent, that a place be offered to a secular belief representative through an application process and the South Hampshire Humanist application put forward through that process.

#### **RESOURCE IMPLICATIONS**

#### Capital/Revenue

None applicable

#### Property/Other

Time implication is likely to be required to manage the application process. This may require the Executive Director for wellbeing to set aside time to meet, consider and take decisions regarding further new member groups. It is anticipated that due to SACRE members being volunteers and from a range of locations the process will be developed to manage a remote process to review applications.

#### **LEGAL IMPLICATIONS**

#### Statutory power to undertake proposals in the report:

The SACRE has been established pursuant to the Education Reform Act 1988 and its membership is determined in accordance with s390 Education Act 1996 and supporting Regulations and Guidance.

s390 of the 1996 Act requires that the Council appoint to Group 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". Even if the words "or beliefs" are

	have argued should be Rights Act 1998, the of satisfied that those m belief) traditions in the there is a need to pro- to be selected via a fa	ed after "such religions" and "or belief" after "traditions" as recent challenges argued should be the case in accordance with the provisions of the Human Act 1998, the Council may appoint full members of Group A only where it is ed that those members "appropriately reflect" the "principal" religious (or traditions in the area. The Council has carried out a review and determined a need to provide voting places to up to two additional members on Sacre selected via a fair and transparent application process absent further detail of eakdown of these beliefs into, for example, Humanism, or other belief ins.				
Other Legal Implications:						
	Human Rights Act 1	uman Rights Act 1998 (discussed above)				
RISK MANAGEMENT IMPLICATIONS						
	Risks around the decision are linked to any decisions SACRE make in the future. This is linked to the current GROUP A membership having vacancies as well as adopting a process that may be viewed by some as being beyond the legal SACRE framework.					
POLICY	FRAMEWORK IMP	LICATIONS				
	The work of SACRE meets a statutory duty - a regularly reviewed Locally Agreed Syllabus for Religious Education, with monitoring across schools to improve outcomes for children regarding school's statutory duties for religious education and collective worship. It also provides advice and guidance to schools regarding faith matters they may encounter, including for the teaching of statutory relationships guidance from a faith perspective.					
KEY DECISION?		No				
WARDS/COMMUNITIES AFFECTED:			All			
SUPPORTING DOCUMENTATION						

#### **Documents In Members' Rooms**

1.

2.

1.	none				
2.					
Equality Impact Assessment					
Do the implications/subject of the report require an Equality and Yes					
Safety Impact Assessment (ESIA) to be carried out.					
Data Protection Impact Assessment					
Do the Impact	No				

Proposed changes to membership and constitution

Other Background Documents Other Background documents available for inspection at:						
Title of Background Paper(s)		Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)				
1.	Appendix has the relevant document "Proposed SACRE membership and constitution 2021-2022"					
2.	Equality impact assessment being undertaken					

## Agenda Item 5

Appendix 1

# SOUTHAMPTON CITY COUNCIL STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION (SACRE) Proposed CONSTITUTION November 2021

#### 1 **AIM**

1.1 The aim of the SACRE is to provide advice to the Authority upon such matters connected with collective worship in schools, and the religious education to be taught in accordance with an agreed syllabus.

In Southampton, SACRE will also liaise with academy and free schools not required to teach the Locally Agreed Syllabus, but a syllabus of their choosing, so as to provide overview of matters connected with collective worship and religious education across maintained, academy and free schools in the city to support best practice identification and raise concerns if needed.

#### 2 **OBJECTIVES**

- 2.1 The core objectives of the SACRE are:
  - to provide independent consultation and detailed scrutiny on any matters within its scope of interest;
  - to determine any application from the head teacher of a maintained school, following consultation with the governing body, for an amendment to the requirement that collective worship be wholly or mainly of a broadly Christian character;
  - to publish an annual report which:
    - specifies any matters on which the SACRE has advised the Authority;
    - ii. broadly describes the nature of that advice; and
    - iii. sets out its reasons for offering advice on any matters which were not initially referred to the SACRE by the Authority.

In addition to making the report available for public inspection, a copy shall be sent to the relevant Government Department and to the National Association of SACREs (NASACRE) as well as any other organisations the SACRE deems appropriate.

 To ensure that any complaints made to SACRE regarding RE or Collective Worship in schools are managed in accordance with Southampton City Councils complaints process.

#### 3 SCOPE OF INTEREST

3.1 The scope of interest of the SACRE shall include:

- any such matters connected with collective worship in City schools, and the religious education to be taught in accordance with an agreed syllabus as the Authority may refer to the SACRE, or as the SACRE may consider appropriate; and
- the statutory duty of the Authority to review its agreed syllabus every five years and to convene an Agreed Syllabus Conference.

#### 4 RELATIONSHIP OF THE SACRE WITH THE LOCAL AUTHORITY

4.1 The SACRE will have a separate identity and independent voice within the arrangements. The SACRE should be consulted by the Local Authority on any issues falling within its scope of interest.

#### 5 ACCOUNTABILITY AND BUSINESS PLANNING

5.1 The SACRE is independent of the Council. The Education Reform Act 1988 requires the City Council as a Local Authority to establish a SACRE. When reports and actions are required that need to be considered by the Council they will be formally considered by the Cabinet or Cabinet Member or Officer acting under delegated powers.

#### 6 LEGAL FRAMEWORK

- 6.1 The SACRE is established pursuant to the Education Reform Act 1988.
- To facilitate the effective operation of the SACRE in accordance with its aims, the SACRE will respond as necessary to any further government guidance, legislation or new initiatives impacting upon the areas of responsibility of functions of the SACRE.

#### 7 THE ACTIVITIES OF THE SACRE

- 7.1 In pursuit of its aims the SACRE will:
  - operate to a timetable that mirrors the municipal year of the Local Authority.
  - hold meetings (including extraordinary meetings) at a time of day and at an appropriate location to allow full participation by members:
    - i. at the Civic Centre and/or other venues;
    - ii. at the end of the school day;
    - iii. or otherwise notified to SACRE members five clear working days before each regular meeting.

- hold its meetings at least once per term, no less than three times per year;
- require at least one member from each voting group to be present to constitute a quorum in order to have a fully constituted meeting;
- always seek to operate on a consensus basis. If it is not possible to reach a consensus, members will be required to undertake a formal vote as set out in paragraph 12 of this Constitution;
  - review and recommend to Cabinet (Cabinet Member) any amendments to its Constitution on an annual basis following a formal consultation process with the relevant parties;
- review and adopt the terms of reference for any sub-committees on an annual basis at the first meeting of each financial year following a formal consultation process with the sub-committees;
- keep a written record of all SACRE meetings and meetings of any subcommittees:
- any member of the SACRE may submit items to be included on the agenda of a main meeting of the SACRE supported by a written statement/report to the Chair at least 10 working days before the meeting;
- agenda and reports will be circulated generally at least five working days prior to the meeting;
- create sub-committees where necessary;
- be able to ask that the Local Authority consider holding an extraordinary meeting of the SACRE at the written request of at least one member.

#### Confidential Business

- Report authors are responsible for informing the clerk, in advance, of the status of reports to be included on the Agenda and if they contain confidential or commercially sensitive information and with such items of business, the principles of the Local Government (Access to Information) Act 1985 will apply. Reports that are to be treated as confidential should be marked accordingly and contain the appropriate confidentiality clause.
- Where an item of business before the SACRE is marked as confidential, that item of business will be discussed in private. The professional advisors to the SACRE may attend and speak at the SACRE meetings on consideration of all matters considered in private. Members of the public and observers (including other elected Members or Officers of the Council) shall be excluded from the consideration of any confidential item.

#### 8 FREEDOM OF INFORMATION

8.1 Request for Information under the Freedom of Information Act will be handled in accordance with the Council's published procedures for dealing with such requests.

Any Member of the SACRE receiving a request under the FOIA will be required to pass that request to Legal & Democratic Services within 24 hours of receipt of that request in order that Legal & Democratic Services may deal with the request on behalf of the SACRE within the 20 working day time limit.

Where a request has been made for the disclosure of information covered by a qualified exemption under the Freedom of Information Act 2000 (or other relevant information), the Chair, vice-chair and professional adviser of the SACRE will be invited to attend a Public Interest Test Panel meeting to consider the potential disclosure. If the Chair, vice chair or professional adviser are unable to attend the meeting the request will be dealt with by the Panel at their discretion. Where the Panel decides that the balance of interest is in favour of the disclosure of the information requested, Legal & Democratic Services will arrange for disclosure. Where the Panel decides that the balance is in favour of the non-disclosure of the information requested, the information requested will be withheld and Legal & Democratic Services will arrange for the reasons for the decision to be communicated in writing. Such decisions will be made after taking any appropriate legal advice in accordance with the Council's published policies and procedures.

#### 9 **MEMBERSHIP**

9.1 The SACRE shall comprise members drawn from four groups, appointed by the Authority, as specified below:

#### **GROUP A**

One representative of each of the religions and other bodies listed below:

#### **Christian Denominations**

The Roman Catholic Church The Methodist Church

The Baptist Union The United Reformed Church

The Religious Society of Friends The Assemblies of God
The Greek Orthodox Church The Salvation Army
The Fellowship of Independent Evangelical Churches

#### Religions other than Christianity

Judaism Islam Hinduism Sikhism Buddhism Baha'i

#### Other bodies

Southampton City Mission Appointed representative for people with non-religious affiliation or belief

#### **GROUP B**

Four representatives of the Church of England nominated by the Diocese of Winchester

#### **GROUP C**

Four teachers/ retired teachers representing associations recognised by the Authority for the purposes of consultation and negotiation with one representative per association.

National Education Union (NEU), National Association Schoolmasters and Union of Women Teachers (NASUWT), National Association of Head teachers (NAHT), Association of School and college leaders (ASCL).

#### **GROUP D**

Four representatives of the Southampton City Council, at least two of whom shall be elected members of the City Council.

- 9.2 In addition to members drawn from these four groups detailed above, one person appointed in respect of the Academies and free schools operating in the City of Southampton which previously had Community or Voluntary status may sit as a member of the SACRE. Academies are included (for non-voting purposes) simply because they are not technically represented by any other group and deliver part of the public sector curriculum (albeit with a different status to maintained schools) and effectively replace the old concept of Government Maintained schools. Foundation schools are not specifically included because they are effectively covered elsewhere as they are maintained schools (in common with community and Voluntary schools) and are thus represented by other groups already present on the Committee.
- 9.3 The SACRE may co-opt additional persons, including such teachers as may be necessary to ensure adequate representation of teachers who are actively concerned with religious education. Co-options shall be for the period set by the SACRE.
- 9.4 Members of the SACRE, with the exception of co-opted members and the non-religious affiliate member, shall be appointed for a period of four years.
- 9.5 In accordance with regulations, the Local Authority will review the membership of the SACRE on an annual basis in line with the Constitutional review, and may terminate the membership of any member of the SACRE by giving one month's written notice.
- 9.6 In addition to the term of office coming to an end, a member ceases to be a member of the SACRE if he or she resigns from the SACRE or no longer occupies the office which he or she was nominated to represent.
- 9.7 A member of the SACRE appointed by the Authority may be removed from membership by the Authority at any time if, in the opinion of the Authority, the person ceases to be representative of either the denomination, religious group, association or Academy which he/she was appointed to represent.
- 9.8 Subject to condition 9.7, above, members of the SACRE having served a full term are eligible for re-appointment.
- 9.9 The SACRE will receive support and advice from the Local Authority School Improvement Officers.
- 9.10 At the discretion of the Chair of the SACRE, Advising Officers can attend SACRE meetings. Advising Officers provide information and professional expertise but are not members of the SACRE and cannot vote.
- 9.11 The Executive Director Wellbeing, and the Executive Member with responsibility for the SACRE shall have a standing invitation to attend all SACRE and sub-committee meetings but are not members of the SACRE and cannot vote. At the discretion of the Chair they may address the meeting.

9.12 At the discretion of the Chair of the SACRE, Observers can attend SACRE meetings. Observers are interested individuals who have been invited to attend SACRE meetings. At the discretion of the Chair of the SACRE observers can address the meeting but they are not members of the SACRE and cannot vote.

Meetings of the SACRE are open to the public unless members resolve that an item of business be considered in private session and with such items of business the principles of the Local Government (Access to Information) Act 1985 will apply.

Members of the public do not have a right to speak at any meeting of the SACRE but may address the SACRE at the discretion of the Chair. Members of the public do not have rights to vote.

#### 10 ELECTION AND NOMINATION OF SACRE MEMBERS

- 10.1 Members of the SACRE are responsible for the method by which they elect and nominate their representatives, and each representative group within the SACRE will be responsible for the method by which they elect their representatives.
- The membership of existing schools members is valid until such members' terms of office come to an end or they resign or they become otherwise ineligible for membership. When a vacancy does arise, the authority must appoint a replacement schools member to the SACRE to represent the same group as the retiring member.
- 10.3 Nomination of members is by a process of supported-nomination from the body the person will be representative of. The SACRE will formally endorse membership by a simple majority vote at the next available meeting of the SACRE. In respect of new faith representative groups seeking a member place the group the member will join will need to vote and be unanimous in their decision if to accept the new membership, and make request to council to support the change to membership.

10.4 Application to the SACRE to be considered for the No religious affiliation or belief representative can be made by any person who considers themselves to be able to positively contribute to the work of Southampton SACRE and the meeting of its statutory duties. This process will be developed through 2022, undertaken by a sub-committee prior to the first SACRE meeting of the academic year. This representative's membership will be reviewed annually and will be for the same, full academic year. At the end of the year reapplication can be made by the same person. This representative will have full voting rights within group A

#### 11 MEETINGS

11.1 Meetings of the SACRE shall be held in public.

#### 12 **VOTING**

- 12.1 On any matter to be decided by the SACRE, the four groups A, B, C, and D shall be entitled to vote and each group shall have a single vote. The Academies' representative and the co-opted members do not have a vote.
- 12.2 Decisions within a group about how the vote is to be cast do not require unanimity. Each group is to regulate its own proceedings, including provision for resolving deadlock.
- 12.3 In the event of a tied vote, the Chair shall have the casting vote.

#### 13 **CODE OF PRACTICE**

- 13.1 Members of the SACRE will operate in accordance with the Local Code of Conduct for Members. Members are therefore required to sign a declaration in respect of the Code of Conduct and also complete a Register of their Interests.
- 13.2 Interests, whether personal or prejudicial, should be declared. If a member has a prejudicial interest they should declare that interest and withdraw from the meeting and take no part in the decision.
- 13.3 Members who fail to attend three consecutive meetings without a satisfactory explanation will have their membership reviewed by the SACRE.

#### 14 **CHAIRING**

- 14.1 The Chair and Vice Chair will be appointed from the members of Groups A, B, C and D. Such appointments shall be for the Municipal Year or until the person appointed ceases to be a member of the SACRE, whichever is sooner.
- 14.2 Persons continuing to be members of the SACRE are eligible for reappointment to the position of Chair or Vice Chair.

#### 15 **SERVICING THE COMMITTEE**

- 15.1 The specific responsibilities of the Chair and Members of the SACRE will be as set out in this Constitution and the Education Reform Act 1988.
- 15.2 The specific responsibilities of meeting support of the City Council will be to:-
  - convene meetings of the SACRE;
  - arrange accommodation for meetings;

- co-ordinate and act as secretariat to meetings;
- copy, circulate and dispatch appropriate papers; and

Democratic services will provide appropriate guidance on the operation of local government and other relevant procedures.

- 15.3 The specific responsibilities of the Professional Advisors to the SACRE will be to:
  - provide advice to the SACRE and any sub-committee(s) on professional issues; and
  - advise and update SACRE members on any new government guidance or policy documents.
  - Support SACRE members in their monitoring role
  - Ensure that the review of the Locally Agreed Syllabus is carried out within statutory timescales

#### 16 **DISPUTES AND COMPLAINTS**

- The SACRE is intended to be a collaborative, co-operative body and needs to ensure that no particular sector or member is unduly favored. Problems and issues should normally be debated and resolved at the SACRE meetings. However, if parties feel that these have not been resolved, the following process should be followed and minutes taken.
- 16.2 Stage 1: The parties who are in dispute meet with the Chair of the SACRE and the Professional Advisor who will assist in finding or recommending a solution.
- Stage 2: A special meeting of the SACRE is convened, with papers prepared by the parties representing different views. The Chair and the Professional Advisor also prepare a paper offering possible options for resolution. If the problem is not resolved, the dispute is referred to Stage 3.
- 16.4 Stage 3: If the issue is not resolved then guidance or clarification will be sought from the relevant Government Department.
- 16.5 Complaints from members of the public will be handled by the Council's Complaints Procedure.

#### 17 NON COMPLIANCE OF ACTIVITIES

17.1 Issues of non-compliance will, in the first instance, be referred to the Chair of the SACRE who will investigate and attempt to reach satisfactory resolution through discussion with the representative of the agency concerned. In the event of satisfactory resolution not being reached, the matter will be referred to the next SACRE meeting.

#### 18 MONITORING AND INSPECTION

18.1 The effectiveness of the SACRE will be assessed by Internal Review.

#### **OVERVIEW AND SCRUTINY**

The SACRE and its members will co-operate with any reasonable request by the Council in respect of its overview and scrutiny functions under Section 21 Local Government Act 2000. Any requests for information or attendance of SACRE members at the relevant overview and scrutiny committee will be made as soon as possible and generally at least 10 days before the meeting.