

DECISION-MAKER:	CABINET
SUBJECT:	SACRE – ANNUAL REVIEW OF CONSTITUTION AND MEMBERSHIP
DATE OF DECISION:	15 NOVEMBER 2021
REPORT OF:	COUNCILLOR JAMES BAILLIE CABINET MEMBER FOR EDUCATION

<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY

n/a

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)	<p>To approve the amended Constitution for SACRE attached at Appendix 1 including the addition of two additional voting members in Group A.</p> <p>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 (Note – this Recommendation was NOT supported by Group A of SACRE at their meeting on 2nd November 2021, however was supported by Groups B-D).</p> <p>One for a representative of Southampton City Mission as representative of their work on behalf of a group of churches not</p>
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		covered by the other members (Supported by all SACRE groups at their meeting on 2 nd November 2021).
	(ii)	If recommendation (i) above is approved Cabinet is 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 'belief' vacancy set out above.
	(iii)	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.
	(iv)	To approve the additional changes to the constitution including that SACRE 2.1; must follow the SCC complaints process for any complaints received; 12.2 that future decisions from SACRE do not require unanimity; minor word changes to represent the changing landscape of maintained and academy schools, and job role titles. (SACRE unanimously supported this recommendation).

REASONS FOR REPORT RECOMMENDATIONS

1.	<p>Recommendation i</p> <p>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. There is no further breakdown available so it is not known if any other non-religiously affiliated groups would want to have a seat on SACRE.</p> <p>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 .</p> <p>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.</p> <p>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.</p>
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	<p>Group A to which both proposed new membership groups would join did not give a reason for their non-unanimity regarding the non-religiously affiliated member recommendation. But they did state they were not unanimous and therefore under the current constitution this meant they could not vote to approve the recommendation. The three other groups B-D all voted to approve the recommendation,</p> <p>Second part of recommendation i</p> <p>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. This was approved as a unanimous vote for all four groups on SACRE.</p>
2.	<p>Recommendations ii</p> <p>This recommendation was made so as to aid the ability to move swiftly forwards to design a process that is fair and transparent for any persons who would wish to apply. This was not unanimously supported by Group A as a direct result of their decision not to support offering an additional vacancy to which the application process would apply. Groups B approved accepting it was recognised as a compromise position to their preferred option of simply appointing a Humanist representative to Group A, and groups C and D voted unanimously to support.</p> <p>Recommendation iii was made as the census data should be available Spring 2022 and at this point a more robust review would be able to be undertaken of all membership groups so as to ensure that representation is accurate of the City’s current population. This was unanimously supported by SACRE and would result in a full review of all membership places and allocation of places in the November 2022 review of the SACRE Constitution and membership.</p> <p>Recommendation iv – was made to ensure that the constitution includes the expectation if the SACRE received complaints as part of its duty, the better reflect the changing education landscape for schools whilst recognising that 88% of schools locally use the syllabus which includes the majority of schools who become academies also. The other aspect was to remove the need for unanimity for group decisions which can be hindered if there is non-attendance or the group could reach a compromise position. That is not currently possible in the current constitution so would be of benefit to business moving forwards in a pragmatic manner collaboratively recognising that not all groups may always agree, but that the option for compromise can be achieved.</p>
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
3.	<p>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</p>

	<p>in maintained schools specifically under SACRE statutory duties, and those non-maintained who follow the Locally Agreed Syllabus.</p> <p>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 defensible 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.</p> <p>If the constitution were to retain the need for unanimity for group votes it would mean that compromise decisions would be unable to be achieved which would limit the decision making ability of the committee so this recommendation was made.</p>
DETAIL (Including consultation carried out)	
4.	There is a legal duty to review the membership of SACRE annually in accordance with the Education Reform Act 1988 and Education Act 1996.
5.	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.
6.	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.
7.	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.
8.	The South Hampshire Humanists have also requested their co-opted position be changed to a voting member of Group A.

	<p>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.</p> <p>Following the request from South Hampshire Humanists to be considered for a full voting position on SACRE a legal challenge was launched in December 2020 by way of pre action protocol letter (Judicial Review). The Council sustained its legal advice, taking independent Counsel's 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.</p>
9.	<p>SACRE met to consider this report and its recommendations on 2nd November 2021 as a consultee on any proposed Constitutional changes (with the final decision resting with the Council). SACRE's voting on each recommendation is reflected above. No reasons were given as to why Group A were unable to achieve unanimity on supporting the recommendation to add a 'belief' representative to group A. It was simply noted that one member of the group did not feel able to support the proposal.</p>
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
10.	None applicable.
<u>Property/Other</u>	
11.	<p>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.</p>
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
12.	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.
13.	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 inserted after “such religions” and “or belief” after “traditions” as recent challenges have argued should be the case in accordance with the provisions of the Human Rights Act 1998, the Council may appoint full members of Group A only where it is satisfied that those members “appropriately reflect” the “principal” religious (or belief) traditions in the area. The Council has carried out a review and determined there is a need to provide voting places to up to two additional members on Sacre to be selected via a fair and transparent application process absent further detail of the breakdown of these beliefs into , for example, Humanism, or other belief systems.
Other Legal Implications:	
14.	Human Rights Act 1998 (discussed above)
RISK MANAGEMENT IMPLICATIONS	
15.	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 IMPLICATIONS	
16.	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
<u>SUPPORTING DOCUMENTATION</u>	
1.	Final Proposed changes to SACRE constitution – November 2021

Documents In Members’ Rooms

1.	Equality and Safety Impact Assessment
2.	
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	<u>Yes</u>
Data Protection Impact Assessment	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
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	