

<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	SACRE – ANNUAL REVIEW OF CONSTITUTION
<b>DATE OF DECISION:</b>	15 NOVEMBER 2022
<b>REPORT OF:</b>	<b>COUNCILLOR PAFFEY</b> <b>CABINET MEMBER FOR CHILDREN AND LEARNING</b>

<b><u>CONTACT DETAILS</u></b>			
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<b>STATEMENT OF CONFIDENTIALITY</b>
Not applicable.

<b>BRIEF SUMMARY</b>
<p>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 Local Authority is proposing the following change to the membership of SACRE, which will be referred to SACRE at its next available meeting; adding a Humanist representative to Group A to reflect a group who have supported Southampton SACRE locally for a number of years and moving towards the SACRE having representatives of a wider range of beliefs held by people living in Southampton. This was partially moved towards last year with a non-religiously affiliated representative that the South Hampshire Humanists successfully put forward a representative for. The proposal also includes that SACRE continue to include those with professed religious and non-religious beliefs, in line with the teaching required in the Locally Agreed Syllabus and acknowledging that a Humanist representative will not represent all worldviews or belief systems.</p>

<b>RECOMMENDATIONS FOR CABINET:</b>		
<table border="1"> <tr> <td>(i)</td> <td>To recommend Southampton City Council Cabinet approve the amended Constitution for SACRE attached at Appendix 1 including the addition of a Humanist voting member in Group A as well as retaining an annually reviewed membership representative for a member with 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.</td> </tr> </table>	(i)	To recommend Southampton City Council Cabinet approve the amended Constitution for SACRE attached at Appendix 1 including the addition of a Humanist voting member in Group A as well as retaining an annually reviewed membership representative for a member with 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.
(i)	To recommend Southampton City Council Cabinet approve the amended Constitution for SACRE attached at Appendix 1 including the addition of a Humanist voting member in Group A as well as retaining an annually reviewed membership representative for a member with 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.	

	(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 2023 and to bring back any further recommendations on Membership changes to the next annual review of the SACRE Constitution in November 2023..

### **REASONS FOR REPORT RECOMMENDATIONS**

1.	Data that was analysed in last year's review from the available school information systems indicate that the proportions of 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. This remains the case in the most recent pupil level data.
2.	During the review (November 2020) full voting membership for Humanists as a specific group was considered, but not recommended. The two previous decisions have been considered in this review and there was insufficient evidence that Humanists would represent all people who would be within this population group hence the proposed Humanist member plus retaining the non-affiliated member.
3.	A review of pupil data continues to show 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, hence the proposal of a full member representative for Humanists. No other group with worldview values and beliefs have approached or been involved in SACRE.
4.	If this proposal is rejected and the current constitution reviewed in November 2021 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. This would potentially have a financial and reputational implication to SCC.

### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

5.	To either give full membership to Southampton Hampshire Humanists, but thereby preventing other non-faith groups being represented, <b>or</b> 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.
6.	Alternatively, to continue with either non-affiliated membership or co-opted member status, 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.
<b>DETAIL (Including consultation carried out)</b>	
7.	There is a legal duty to review the membership of SACRE annually in accordance with the Education Reform Act 1988 and Education Act 1996.
8.	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.
9.	The South Hampshire Humanists continue to express a desire to be represented on SACRE as full members. Their expressions of interest can be taken forward as applications for a place on SACRE within group A – Secondly, South Hampshire Humanists can be as part of the proposed application process for a full member place, or remain as a Local Authority designated place for representatives of other belief or non-religiously affiliated groups.
10.	The South Hampshire Humanists initially requested their co-opted position be changed to a voting member of Group A and did apply for the non-affiliated member position successfully last year, but remain in a position they wish to hold a full membership position for a Humanist rep.
11.	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.
12.	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 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 the South Hampshire Humanist application in Group A, and also retain a further secular belief representative through an application process available for any other as yet unknown groups.
13.	SACRE has not been consulted on the proposed changes due to changed meeting dates due to the postponement of the September SACRE meeting and meeting date changes as a result of availability of SACRE members for the planned November meeting date due to work and other commitments. The SACRE can agree or not with the LA decision. It is the decision of the LA to make and whilst the LA would always wish to consult the SACRE on any proposed changes this has not been possible due to the issues set out.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
14.	None applicable
<b><u>Property/Other</u></b>	
15.	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 but interviews will be prioritised to be in-person.
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
16.	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.
17.	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 determined there is a need to provide voting places to up to two additional members on Sacre: one to be selected from the South Hampshire Humanists and one additional member to be selected via a fair and transparent application process absent further detail of the breakdown of these beliefs into, for example, belief systems other than Humanist.
<b><u>Other Legal Implications:</u></b>	
18.	Human Rights Act 1998 (discussed above).
<b>RISK MANAGEMENT IMPLICATIONS</b>	
19.	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.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
20.	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.

<b>KEY DECISION?</b>	No
<b>WARDS/COMMUNITIES AFFECTED:</b>	All
<u>SUPPORTING DOCUMENTATION</u>	
1.	Proposed changes to membership and constitution
2.	ESIA

#### Documents In Members' Rooms

1.	none
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#### Equality Impact Assessment

<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<u>Yes</u>
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#### Data Protection Impact Assessment

<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>	<b>No</b>
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#### 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