

HAMPSHIRE COUNTY COUNCIL

Report

Committee/Panel:	SACRE
Date:	8 November 2011
Title:	SACRE membership of group A
Reference:	3355
Report From:	<i>Director of Children's Services</i>

Contact name: Judith Lowndes

Tel: 023892 441518 **Email:** Judith.lowndes@hants.gov.uk

1. Summary

1.1. The purpose of this paper is to inform SACRE of the discussions that have taken place during the meeting of the SACRE membership sub group. The group was convened to pursue the issues about the criteria for membership of group A of SACRE on SACRE's behalf.

2. Contextual information

2.1. This paper supports the Corporate Strategy (maximising well being) by ensuring children's provision in religious education is secure.

2.2. The sub-group met for the second occasion on 3 October 2011

3. Other key issues

3.1. At the previous meeting in May 2011 a suggestion was made that the sub group should investigate whether another, fifth, group could be constituted that would comprise those whose belief systems were not already represented on SACRE; the current four groups were constituted by statute and were retained in the latest document; although a fifth group (concerned with grant maintained schools) did exist in earlier legislation. This would allow SACRE to be more inclusive to those groups who would not feel comfortable being part of a religious group (Group A). There would still be the issue that the group would not have voting rights; it was commented that the group could always be asked how they would vote and that, as happens at present for co-opted members, they would be fully included in all discussions.

- 3.2. It was agreed that the legal services departments should be consulted regarding any proposed changes to the SACRE constitution. The response to establishing a fifth group was negative, but suggestions were made about ways in which the SACRE constitution could be revised to include non-theistic representatives. (See Appendix 1)
- 3.3. There was discussion and debate relating to how SACRE could make things fairer and more inclusive within the current legislative framework, which all agreed was vastly out of date. It was mooted that Hampshire should take a lead on promoting a full national review on the membership of SACREs but it was noted that there were unlikely to be any moves towards any change at a national level.
- 3.4. The group was informed that 130 SACREs have co-opted Humanist members, but only 17 have made them full members in group A. It was generally agreed that group A (Christian denominations, other than Church of England, and other religions and denominations) might not be the appropriate place for Humanists or any other non-theistic groups.
- 3.5. Two suggestions for resolving the membership criteria issue were made that
- a) the Humanists and other non-theistic groups could be included in group D (those appointed by the local authority)
 - b) a recommendation should be made to SACRE to retain the current status quo

After discussion both of these were rejected.

3.6. The group resolved that:

- A report would be made to SACRE at the November meeting as to the current position
- That a further meeting be convened in January 2012

4. Conclusion or Recommendation

4.1. That SACRE notes the report.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	no
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	no
Corporate Improvement plan link number (if appropriate):	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

DocumentLocation

None

Appendix 1

Message from Kery Tayler, County Solicitor. June 2011

Changes to the constitution of SACRE

In my opinion, section 390 Education Act 1996 is fairly clear: the Council is to consist of the representative groups listed in s.390(4). These are:

(a) a group of persons to represent such Christian denominations and other religions and denominations of such religions as, in the opinion of the authority, will appropriately reflect the principal religious traditions in the area;

(b) except in the case of an area in Wales, a group of persons to represent the Church of England;

(c) a group of persons to represent such associations representing teachers as, in the opinion of the authority, ought to be represented, having regard to the circumstances of the area; and

(d) a group of persons to represent the Church of England.

Section 390(6) provides:

The number of representative members appointed to any representative group under subsection (4)(a) to represent each denomination or religion required to be represented shall, so far as consistent with the efficient discharge of the group's functions, reflect broadly the proportionate strength of that denomination or religion in the area.

As you know, the Council can co-opt members (this is provided for by s.390(3)). However, s.390(7) makes it clear that only the representative groups are entitled to vote and each group has just one vote. This, in my view, means that it is not open to Hampshire SACRE to add an extra representative group E.

However, if Hampshire SACRE wishes to be more explicit in providing a role for representatives of non-theistic, as well as theistic, traditions there are in my view two ways of doing so:

(1) If the traditions in question are represented in the area (which I presume they must be for the question to have arisen), you could try and come up with a form of words to make it explicit that non-theistic traditions are to be included too. This could be added to clause 3.1(a) of the Constitution, e.g. in the form of a sentence such as "For the avoidance of doubt, this group shall include representatives of theistic and non-theistic traditions alike." Alternatively, an extra clause could be added, perhaps immediately after 3.1, in which you set out how the members of Group A are to be selected. I suspect this would be rather a difficult task and it might not be wise to be over-prescriptive because the traditions present in the area, and the proportions in which they are present, are likely to change over time.

(2) You could add a sentence (or two) to clause 3.4 of the Constitution to make it clear that care should always be taken to ensure that at least one representative of a non-theistic tradition is appointed as a co-opted member.

In fact, if it is felt that there should always be a representative of a non-theistic tradition, you might want to do both: add the sentence I suggest to 3.1(a) and add to 3.4 that, where Group A does not include any representative of a non-theistic tradition, such a representative is to be co-opted.

Which, if any, of these possibilities are best really depends on what exactly SACRE wants to achieve.