

**Changes to the Standing Advisory Council for Religious Education  
Constitution**

**Purpose: Review**

**1. Aim**

Membership of the Standing Advisory Council for Religious Education (SACRE) is based on the 2011 Census. The 2021 Census has been published and so the composition of SACRE is under review. In addition, a request has been received to establish whether membership can include a voting representee(s) of non-religious worldwide views/beliefs, such as Humanism.

**2. Summary**

- 2.1 SACRE's constitution is clear that the number of representative members shall be determined from time to time by the Local Authority. The Council is required to inform SACRE when undertaking a review of the SACRE constitution and receive any recommended changes put forward following that consultation.
- 2.2 There is no guidance in law or by the Secretary of State as to which specific voting group non-religious worldwide views/beliefs, such as Humanism would belong. As such, each individual Council is left to decide.
- 2.3 Lack of guidance and legislative clarity has resulted in an inconsistent approach across the UK. Wales have specific legislation to allow non-religious worldwide views/beliefs, such as Humanists as voting members. In the rest of the UK Councils have permitted non-religious worldwide views/beliefs, such as Humanists representation within category 'A', whilst others have no representation or, as in Walsall, Humanist representatives have been included as Co-Opted members.
- 2.3 In light of the request and a review of available data regarding the representation of religious and belief demographics within Walsall following the publication of the 2021 Census, a change to the membership of SACRE is proposed to include two secular voting members to Category A. This will reflect the full range of beliefs held by people living in Walsall, including those with professed religious and non-religious beliefs.

### 3. Recommendations

That:

- 3.1 SACRE provides a view on the proposed amendment to the constitution, to include two voting representatives, for people with non-religious affiliation or belief not represented by any other membership group so long as the non-religious beliefs analogous (similar or equivalent) to a religious belief, within category A (Religion);
- 3.2 Subject to recommendation 3.1, notes the arrangements for the appointment of those representatives as set out in paragraphs 4.7 and 4.8; and
- 3.2 Note that the outcome will be reported to Council for decision.

### 4. Report detail – know

#### ***Structure and membership arrangements***

- 4.1 SACRE is established under section 390 of the Education Act 1996. It is not a formal committee of the Council and sits as an outside body with responsibilities relating to advising the local authority and education providers regarding the teaching of religious education, which follows the locally agreed syllabus. SACRE's broader role is to support good Religious Education (RE) and collective RE worship within its schools by:

- Giving advice on ways of teaching agreed syllabus RE, including the choice of teaching materials;
- Monitoring schools' provision for RE and collective worship as well as the spiritual, moral, social and cultural development (SMSC) of pupils;
- Advising the LA on the provision of training for teachers in RE; e.g. the provision of a fair related to Religious Education for teachers and students;
- Considering complaints about the provision and delivery of religious education and collective worship referred to it by the LA.

SACRE also has power to require an LA to review the syllabus undertaken, via an Agreed Syllabus Conference (ASC). Membership of ASC's will often be the same as SACRE but there is no provision to include co-opted members on ASC's.

- 4.2 Whilst its origins go back to the Education Act of 1944, the role, structure and function of SACRE in Local Education Authorities was strengthened by the Education Reform Act 1988 before being replaced by the Education Act 1996. Wording in respect of membership of each category has remained unchanged and S390(4) of the 1996 Act confirms:-

(4) The representative groups required by this subsection 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 Wales, the Church of England;
- (c) Associations representing teachers as, in the opinion of the authority, ought to be represented, having regard to the circumstances of the area; and
- (d) The authority.

- 4.3 The constitution allows for up to 42 members with the right to co-opt (non-voting) members. Membership is split into four groups as detailed above and in table 1. With regard to Group A, the number of representatives of each religion and religious denomination appointed, so far as consistent with the efficient discharge of the Council's functions, reflect broadly the proportionate strength of that denomination or religion in the area as indicated by the 2021 census data.

**Table 1 – membership of SACRE**

| Group | Description   | No. Members  |
|-------|---|--|
| A     | Christian denominations and other religions and their denominations, reflecting the principal religious traditions of the area including:-<br><br>1 Baptist<br>1 Black Country Orthodox Trust<br>2 Methodist<br>1 New Testament Church of God<br>1 Quakers<br>1 Roman Catholic<br>1 Salvation Army<br>1 United Reform Church<br>3 Muslim<br>2 Hindu<br>3 Sikh<br>1 Jewish<br>1 Buddhist | 19   |
| B     | Church of England   | 5  |
| C     | Teacher representatives   | 11 (includes 6 teachers and up to 5 Union Representatives) |
| D     | Local Authority   | 7  |

- 4.4 Only those representatives of Groups A, B, C & D are entitled to vote and each such group shall have a single vote.
- 4.5 SACRE's constitution states that the number of representative members shall be determined from time to time by the Local Authority and the individual appointments should be made by the Local Authority after taking all reasonable

steps to assure itself that the individual is representative of the denomination or the teacher association concerned. It is desirable that all members have an interest in education in general and in religious education in particular.

***Proposed number of representatives from non-religious worldwide views/beliefs and process for consideration of applications***

- 4.6 Given the increase in 'No religion' within the census (see paragraph 4.9) and changing landscape nationally, as detailed within this report, it is proposed that the constitution be amended to increase the number of places in Group A by 2 to include representatives of 'other bodies' for people with non-religious affiliation or belief not represented by any other membership group. These to be available to secular belief representatives.
- 4.7 It is suggested that the Constitution be amended as follows to confirm the inclusion of an additional 2 people with Non-Religious Philosophical Convictions not represented by any other membership group and that a process of these appointments be clarified. The amended Constitution is attached in full at **Appendix A** with additions shown in bold/underlined:-

**Non-Religious Philosophical Convictions**

- 2 appointed representative for people with non-religious affiliation or belief not represented by any other membership group so long as the non-religious beliefs analogous (similar or equivalent) to a religious beliefs as per the following guidance:-
- To be "analogous" we consider the non-religious beliefs must in accordance with case law under the European Convention of Human Rights and the Human Rights Act 1998 attain the necessary level of cogency, seriousness, cohesion and importance to attract protection under the Convention Rights.
- Any appointment is dependent on the relevant local authority's opinion as to whether such a representative would help ensure that the relevant traditions in the local authority's area are appropriately reflected in Group A. The final decision of an appointment rests with the local authority, and they are best placed to assess whether a SACRE has the necessary expertise and experience to properly discharge its function.

**Nomination and election process**

Nominations for people with non-religious affiliation or belief not represented by any other membership group in Category A should be submitted in writing to Democratic Services. Nominations to be reviewed by the Director of Children's Service together with the Portfolio Holder for Education and SACRE, to consider eligibility. A recommendation to Council shall then be made.

- 4.8 As a nomination has been received for Mr Bill Green to be appointed to represent the Humanists, it is proposed that Mr Green takes up one of the vacancies available, should the amendment be approved by Council.

***National Census - Taking into account religious and non-religious affiliations – voluntary question.***

- 4.9 A number of authorities, including Walsall have religiously diverse boroughs where SACRE has a strong and well-established relationship to the communities they serve. Authorities use data from the National Census to inform representation of SACRE.

Statistics from the 2021 National Census confirm that Walsall has an estimated resident population of 284,100. It also sets out the religious affiliation in Walsall. The table below compares the figures in the 2011 Census to that in 2021 together with the number of seats each religion holds on SACRE:-

| Religion       | (2011 census) | (2021 census) | Seats on SACRE |
|----------------|---------------|---------------|----------------|
| Christian      | 158,971       | 126,921       | 9              |
| Buddhist       | 516           | 533           | 1              |
| Hindu          | 4,560         | 5,096         | 2              |
| Jewish         | 54            | 74            | 1              |
| Muslim         | 22,146        | 32,107        | 3              |
| Sikh           | 11,606        | 17,148        | 3              |
| Other Religion | 1,420         | 1,658         | 0              |
| No Religion    | 53,876        | 85,819        | 0              |
| No answer      | 16,174        | 14,768        | 0              |

- 4.10 The table reflects the changing nature of religious and non-religious beliefs in current society and the Walsall area. Levels of Walsall residents with no religious belief vary across the wards of the borough ranging from 7.4% to 42.7%, with an overall percentage of the population of Walsall that hold no religion being 30.2%. This does not mean that 1/3 of the population of Walsall are humanists, it is however reasonable to expect there would be a reasonable proportion of whom are.

***National Context***

***Wales***

- 4.11 In 2018, the Welsh Government issued Guidance to clarify that persons who hold non-religious beliefs (such as humanists) should be permitted full membership on Group A, in light of the Human Rights Act 1998, so long as the non-religious belief is analogous (similar or equivalent) to a religious belief, such as Humanism. This guidance only applied in Wales and specifically included the following paragraphs to ensure that the person(s) appointed was analogous to a religious belief, such as Humanism.
- To be “analogous” we consider the non-religious beliefs must in accordance with case law under the European Convention of Human Rights and the Human Rights Act 1998 attain the necessary level of cogency, seriousness, cohesion and importance to attract protection under the Convention Rights.

- An appointment is dependent on the relevant local authority's opinion as to whether such a representative would help ensure that the relevant traditions in the local authority's area are appropriately reflected in Group A. The final decision of an appointment rests with the local authority, and they are best placed to assess whether a SACRE has the necessary expertise and experience to properly discharge its function.
- 4.12 On 29 April 2021, the Welsh Government passed the Curriculum and Assessment (Wales) Act which introduced an array of reforms. These include changing the name 'religious education' (RE) to 'religion, values, and ethics' (RVE) and clarifying that that humanists may sit on the bodies that oversee and develop the syllabus (SACRE).

### ***Humanists UK***

- 4.13 Whilst the legislative position in England is unclear, Humanists UK have successfully challenged Local Authorities including the Royal Borough of Greenwich and Southampton Council to review their decision not to allow non-faith representation under Category A. The decision to review was taken after Humanists UK notified the authorities of their intention to take legal action against the decision. This on the basis that Humanist representatives' exclusion from being admitted as a voting member violated human rights law. The Council subsequently agreed to reconsider the matter.

### ***The House of Lords***

- 4.14 On 14 June, 2022, the Education (Non-religious Philosophical Convictions) (Bill) was introduced in the House of Lords to make provision to include non-religious philosophical convictions within the school curriculum; to require that persons who hold non-religious philosophical convictions, such as Humanists must be represented at standing advisory councils on religious education and at agreed syllabus conferences; and for connected purposes.

## **5. Council Plan priorities**

- 5.1 This issue links to both the Communities (Empower our communities so that they feel they are connected and belong in Walsall, creating safe and healthy places whilst building a strong sense of community) and Children (Have the best possible start and are safe from harm, happy, healthy and learning well) priorities within Our Council Plan. SACRE sets the syllabus for religious education within Walsall Schools and so it is important that SACRE's membership is proportionate to the Boroughs Census information to ensure that it fully reflects the communities which the Council serve.

## **6. Risk management**

- 6.1 If this proposal is rejected and the status quo persists, then Humanists UK and / or other affected groups could 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 risk to Walsall Council.

## **7. Financial information**

- 7.1 There are no direct financial implications. However, should the decision be taken to refuse membership for non-religious worldwide views/beliefs, such as Humanism within Group A (Religions) the Council would incur costs in defending any potential challenge.

## **8. Legal implications**

- 8.1 Section 391 of the 1996 Education Act requires every Local Authority (LA) in England and Wales to constitute a Standing Advisory Council on Religious Education (SACRE) with the following functions and duties:

1. to advise the LA on matters connected with collective worship in community schools and the RE to be given in accordance with the Agreed Syllabus. This includes particular methods of teaching, the choice of materials and the provision for the training of teachers
2. to require the LA to review its current Agreed Syllabus
3. to determine (following an application made by the headteacher of any community or foundation school) whether it is appropriate for the requirement for collective worship to be broadly Christian should not apply in the case of that school or for some of the pupils in that school
4. to publish an annual report on its work which should:
  - specify any matters on which it has advised the LA
  - broadly describe the nature of that advice on any matters which were not referred to it in the first place by the LA.

- 8.2 In 1994, the Government issued a Circular which asserted Non-Religious World Views, such as Humanist were not entitled to be voting members of SACRE in category A. This guidance was superseded by a 2010 Guidance, issued by the Secretary of State, giving examples of where Humanists taking part in SACRE meeting as co-opted members. Further, the reference to Humanists not being permitted to be voting members was not included in the 2010 guidance.

- 8.3 The Equality Act 2010 provides protection for individuals from discrimination because they have a religion or a belief or no religion or no belief; but it does not define either religion or belief in any further detail.

- 8.4 Article 9 of the Human Rights Act 1998 protects individuals right to hold both religious and non-religious beliefs. This is an absolute right which means it can't be interfered with by the state. Article 9 includes the right to choose or change religion or beliefs and confirms that individuals cannot be forced to have a particular religion.

- 8.5 In a High Court case in 2015 it was concluded that the non-inclusion of Non-Religious World Views as part of Religious Education is a breach of the Convention for Human Rights which is enshrined in English law through the Human Rights Act.

## **9. *Reducing Inequalities***

- 9.1 Religion and Belief, as a protected characteristic under the Equality Act does include a lack of faith in an organised religion. Should a decision be made to not allow those with non-religious worldviews/faith such as Humanist Representatives this would limit the capacity for them to be represented fully at meetings of SACRE.
- 9.2 However, the current arrangements are in line with the legislation and requirement that these seek to provide representation to particular religious groups within the Local Authority area, as determined by the Local Authority. Opportunities for alternative involvement mitigate the negative impact such as the inclusion of a humanist representative as a co opted member.

## **10. Decide – Options**

- 10.1 Option 1: To amend the constitution to include x2 voting representee of non-religious worldwide views/beliefs, such as Humanism, within Group A (Religions). This would enable the request from the Humanist Co opted member to become a full member possible whilst ensuring that a further place is available for another representative of secular belief, subject to satisfying the selection process outlined within the report.
- 10.2 Option 2: To amend the constitution to include x1 voting representee of non-religious worldwide views/beliefs, such as Humanism, within Group A (Religions). As a request has been made to include a Humanist representative, should that be agreed by the Authority, it would prevent other non-faith groups being represented as the place would be filled. This would disenfranchise a sizeable proportion of those living in Walsall 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.
- 10.3 Option 3: To continue with co-opted member status and not amend the constitution to allow voting representatives from non-religious worldwide views/beliefs, such as Humanism. However, this has previously been the subject of legal challenge by a Humanists UK 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.
- 10.4 Option 4: To include up to 2 members under category D to represent the authority. However, this is currently elected members of the Council and so consideration would need to be given as to how a member of a secular belief would represent the Council.



## **11. Respond**

- 11.1 Once a view has been provided by SACRE, the matter will be considered by Council for decision. SACRE will be advised of the outcome at the next available meeting and.

## **12. Review**

- 12.1 Membership will be reviewed on an annual basis.

## **Background papers**

None

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