



SACRE Constitution

Why a SACRE needs a constitution

SACREs are legally constituted bodies, appointed by the local authority to perform statutory functions. Every SACRE needs a constitution to ensure it operates efficiently and fulfils its statutory duties. The constitution provides a structure for its work and ensures SACRE meetings are held in a way that is publicly accountable.

Who writes the constitution and how it is approved?

It is the responsibility of the legal services of the local authority to write the constitution in accordance with the Education Act 1996 or to approve a constitution proposed by the SACRE itself having been devised in accordance with the Act.

(<http://www.legislation.gov.uk/ukpga/1996/56/part/V/chapter/III/crossheading/constitution-of-standing-advisory-councils-on-religious-education>). If the LA's legal services draw up the constitution, the SACRE should have input before it is approved by SACRE and formally adopted by the local authority. A constitution cannot be changed without the agreement of all four Groups on SACRE.

Deciding what needs to go in the constitution

Preamble

Most constitutions start with legal basis for SACREs, stating that the SACRE has been established under the provisions of Section 390 – 397 of the 1996 Education Act. As a part of this, or often at the end, there will be a paragraph on terms used in the constitution, e.g. 'Members' refers to those appointed by the local authority to represent interest groups in accordance with the 1996 Education Act.

Membership

There are two kinds of membership on SACRE:

1. Those nominated by the appropriate sponsoring Groups and formally appointed by the local authority, and who work within one of the 4 Groups
2. Those co-opted by SACRE

The constitution should specify the numbers of representatives in each Group and, in the cases of Groups A, C and D, specify which particular faith group (Group A) or teachers' organisation Group C) they represent. In the case of Group D which political group they represent, ensuring political balance, or which other group deemed necessary by the authority, such as a governors association.

With reference to Group A the Education Act 1996, paragraph 390 (6) states:

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.

It is the responsibility of the local authority to determine who should be in this Group but they would normally consult local faith communities and existing SACRE members before making a decision. SACRE, though, has no legal right to veto the decision of the local authority in this matter.

This section should also indicate under what circumstances and how a member might be removed from SACRE and how an existing member can resign. It should also indicate the normal term of membership (usually four years) before members are reappointed or replaced.

With regard to co-opted members, the constitution should state how SACRE would go about co-opting a member, the length of term they would be expected to serve before needing to be co-opted again and their rights in terms of voting

The constitution should be clear about substitutions for absent members.

Officers

The constitution should clearly set out how meetings are to be conducted, including the role of the Chair of SACRE and how he or she is appointed or elected. This section will also cover the roles of the Clerk to SACRE, the RE professional officer and other officers of the local authority who will attend.

The constitution should explain the process of nominating / electing / appointing a Chair. It would be expected that the person taking up this role understood the work of the SACRE and therefore the constitution may describe requirements for someone standing for the post. For example that they have been a SACRE member for at least one year. The constitution should specify the length of their office.

In some constitutions there is also the position of Vice Chair (in some constitutions called a Deputy Chair). Where there is a Vice Chair their role should be outlined clearly. In some constitutions there is a requirement that where there is a Chair they are from a different Group to the Chair.

Some constitutions require that the Chair of SACRE will rotate between the Groups, sometimes on an annual basis at other times on a biannual basis.

The running of meetings

Given the peculiar nature of voting on SACREs the constitution will set out what is needed for SACRE to be quorate, this would always mean that at least one member of each Group is present – in line with statute. For example, some SACREs include within their quoracy rules the need for at least one member from a faith / belief that is not Christian to be present.

Similarly, it should state how votes are made and the arrangements for deciding on a tied vote.

Within this section there should be something about removing members or members of the public from the meeting if necessary and under what conditions members of the press and public can be excluded.

Administrative arrangements

The constitution should clearly set out the number of meetings per year, including defining which of those meetings shall be deemed the annual general meeting for the appointing or electing of a Chair; and Vice Chair where required. This may be the first meeting following the appointment of new elected members or the beginning of a new municipal year. The constitution should also set out how the following are to be done:

- agenda setting meetings and who shall be present
- sending out of reports and to whom they shall be sent
- when minutes will become available prior to formal adoption
- how the SACRE's annual report will be presented to the council

The administrative arrangements should also make clear that certain expenses, but not all, may be covered by the local authority so that SACRE can function, hence it should cover expenses and supply cover for teachers but not loss of earnings. Ideally it should state that there will be a budget identified for SACRE on an annual basis.

The issue of sub-groups and their composition should be included here and the procedure for an extraordinary meeting of SACRE if the need for one arises.

Advice, guidance and determinations

The constitution should state how its advice and guidance would be disseminated by the local authority to schools. Similarly, it should state the procedure if a school was to request a determination; see: <http://www.legislation.gov.uk/ukpga/1996/56/part/V/chapter/III/crossheading/determinations-by-standing-advisory-councils>

Code of conduct

Some SACREs have a code of conduct agreed by members and as it is expected that members work within that code it should be referenced in the constitution and attached as an appendix.

Complaints

The constitution should set out a basic complaints procedure if someone were to make a complaint about SACRE as whole or individual members behaving in their capacity as SACRE members.

Standing Orders

A number of SACREs have standing orders appended to the constitution that set out the standing items for the agenda, or the detailed procedures for a determination request.

Some SACREs have used this mechanism to keep the constitution short with detail coming later in the form of standing orders. This is not necessary but some might find it useful.

Agreed Syllabus Conferences

Agreed Syllabus Conferences (ASC) can have their own constitutions or they can be incorporated into the SACRE constitution.

It is important to be clear that the ASC is a body appointed by the local authority according to the same structure as a SACRE but the membership of one does not automatically mean membership of the other. Hence, the ASC may have a wholly different membership to the SACRE, a shared membership or be coterminous with SACRE. Co-opted members of SACRE, though, cannot be members of the ASC as there is no option to co-opt to an ASC.

Voting, too, on an ASC is different to that of SACRE in that all committees (not Groups as in SACRE) have to vote for a syllabus before it can be adopted. It has to be unanimous, not simply a majority. See: <http://www.legislation.gov.uk/ukpga/1996/56/schedule/31>

Reviewing a constitution

The constitution will need reviewing if there is a change in legislation or of the religious demographics of the area. It is good practice, though, to review the constitution on a four yearly basis given the term of appointment for members. The review should be undertaken by or in partnership with the LA's legal services but all four Groups that constitute SACRE must agree to those changes, unless they are mundane – such as the removal of references to bodies that no longer exist such as the QCDA.

WALSALL STANDING ADVISORY COUNCIL
FOR RELIGIOUS EDUCATION
(S.A.C.R.E)

CONSTITUTION

(i) Terms of Reference

1. "To advise the Authority upon such matters connected with Religious Education to be given in accordance with an agreed syllabus as the Authority may refer to the Council or as the Council may see fit..." (Education Reform Act 11.1a).
2. In particular the advice must cover "methods of teaching, the choice of materials and the provision of training for teachers" (Education Reform Act 11.2).
3. "...In each year to publish a report as outlined in (Education Reform Act 11.10)."
4. When appropriate to require the Authority (on a vote of three groups representing the Church of England, other faiths, and Teachers' Associations) to review the agreed syllabus by convening a statutory conference for this purpose (Education Reform Act 11.7 and 11.8).
5. In accordance with Education Reform Act Section 12, on receipt of an application, to make a determination about whether the requirement for mainly Christian collective worship is appropriate in that county school.
6. To receive reports on any complaints made under the Authority's complaints procedure (Education Reform Act Section 23) which relate to worship or Religious Education and to provide advice about such cases to the Authority and Governing Bodies.
7. To draw up and periodically review guidelines for the regulation of its business.

(ii) Membership

- (a) L.E.A. representation – 7 Members – to be politically balanced; the representatives to be appointed by Council;
- (b) Teacher representation – 6 Members to be nominated by the N.U.T., N.A.S.U.W.T, A.T.L., N.A.H.T., A.S.C.L., and Voice;
- (c) Church of England representation – 5 Members nominated by the Lichfield Diocesan Education Council;
- (d) Christian and other religious faiths – 21 Members – 8 by the Walsall Council of Churches: 2 by the Evangelical Churches Group, 10 by the Muslim, Sikh and Hindu Groups and 1 by the Orthodox Church.

(iii) Quorum

The quorum for meetings will be eight voting members from 3 of the 4 groups represented on S.A.C.R.E.

(iv) Terms of Office and Removal from Office

Appointments are for a period of four years commencing with 1st June 1989.

The Authority may remove Members if, in its opinion, they cease to be representative of the Bodies to which they were appointed.

A Member may resign at any time.

Where a Member, without consent, has failed to attend S.A.C.R.E. meetings for a continuous period of twelve months, S.A.C.R.E. may recommend to the Authority the removal of that Member.

Where a representative resigns or is removed, the Authority will take immediate steps to seek a replacement.

(v) Voting

In the interests of achieving consensus, the S.A.C.R.E. should only take a vote of the four groups in order to make a formal record of the decision or if there are opposing views.

Where the Council is required to reach a decision each representative group shall have a single vote.

In the event of a tied vote, the Chairman shall have a second or casting vote.

The representative groups other than that consisting of persons appointed to represent the Authority, may at any time require the Authority to set up a review of an Agreed Syllabus for the time being adopted by the Authority. Each group entitled to vote (i.e. excluding the group representing the Authority) shall have one vote.

(vi) Chairmanship

The Chairman/Vice-Chairman will be elected by S.A.C.R.E. at its first meeting in the Municipal Year.

(vii) Proceedings

Except where stated otherwise, the proceedings of S.A.C.R.E., or any particular category of any representative Members or any Group or Working Party, will be regulated by the Group concerned.

At the Annual meeting, each Group shall elect a spokesperson who shall also act as Chair of the Group if necessary. The spokesperson must allow all Members of the Group to express an opinion and to vote. A record of this vote shall be reported to the full meeting but the single vote of the group must be cast in favour of the simple majority of the group. In the case of a tied vote the whole group vote must be presented as an abstention.

(viii) Sub-Groups and Working Parties

S.A.C.R.E. may appoint Members to Working Parties which may include non-members with expertise to contribute. The terms of reference of a Working Party will involve exploratory work rather than decision making. The composition of a Working Party will normally include members from all groups.

There shall be a permanent sub-group of S.A.C.R.E. able to give immediate guidance to officers (especially the Religious Education Adviser) and to deal with urgent business between meetings. This sub-group shall consist of the Chairperson and the spokesperson of each of the three groups other than the one to which the Chairperson belongs. Members may meet or consult informally by letter or telephone.

(ix) Observers

In addition to an Administrative Officer or Officers appointed by the Authority to clerk meetings, there may be in attendance a Humanities Inspector, an appropriate Advisory Teacher for Religious Education or other persons on the staff of the Director of Children's Services each of whom may speak but not vote.

It will be open to S.A.C.R.E. to invite other persons of expertise or other interests to attend on an occasional basis. Such persons shall have power to speak but not to vote.

(x) Place and Time of Meetings

Unless decided otherwise meetings shall take place in the Council House and will commence at 6.00 p.m.

(xi) Frequency of Meetings

S.A.C.R.E. shall hold at least two meetings each year. The meeting held in the Autumn term shall agree an annual report covering the previous school year which will be submitted to the Cabinet and then published.

(xii) Constitutional Change

The Authority may alter this constitution subject to the terms of the national legislation at any time but will usually consult S.A.C.R.E. before doing so.

(xiii) Validity of Proceedings

The validity of proceedings of the Council or of the Members of the Council of any particular category shall not be affected:-

- (a) By a vacancy in the office of any Member of the Council;
- (b) On the ground that a Member of the Council appointed to represent any denomination or associations does not at the time of the proceedings represent the denomination or associations in question.

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XXXX Standing Advisory Council on Religious Education (SACRE) Constitution and Terms of Reference

Introduction

- 1) In accordance with the Education Act 1996, Religious Education and Collective Worship and Religious Education in English Schools: Non-statutory guidance 2010, and Circular 1/94 (Collective Worship) the Local Authority (LA), has a duty to set up a Standing Advisory Council on Religious Education (SACRE).
- 2) It is required by law that Religious Education is taught in schools to children up to the age of 18 but it is not part of the National Curriculum. Instead RE is a local responsibility. SACRE oversees RE and Collective Worship on behalf of the LA.
- 3) SACRE will operate within the law in force as defined by parliament and interpreted by the courts, and with due regard to any guidance issued by the Department for Education (DfE). If there is any conflict of interest between this constitution and terms of reference and the law SACRE will comply with the law.

Functions and Responsibilities

- 4) The broad role of SACRE is **to support the effective provision of RE and Collective Worship in schools**. The XXXXXXXXX Local Authority will work with the SACRE to monitor and review the existing provision for RE and Collective Worship.
- 5) The functions of SACRE are detailed in section 391 Education Act 1996 (as amended). Other responsibilities are outlined in: Religious Education in English Schools: non-statutory guidance 2010; SACRE and Self Evaluation: A guide Ofsted 2005; Circular 1/94 (Collective Worship).

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- democracy.
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These responsibilities are:

- a) **to advise** the Authority on such matters connected with Religious Education and Collective Worship in City of XXXXX Community schools, Foundation schools without a religious character and Voluntary Controlled schools.
- b) **to monitor** the provision and quality of RE taught according to its Agreed Syllabus together with the overall effectiveness of the syllabus.
- c) **to provide** advice and support on the effective teaching of the Agreed Syllabus.
- d) **to provide** advice to the LA and its schools on methods of teaching, the choice of teaching material and the provision of teacher training.
- e) **to require** the LA to set up a statutory conference to review the Agreed Syllabus if, in the opinion of the SACRE, this becomes necessary. This must be reviewed and updated every five years but a majority of representative groups on the SACRE, other than that consisting of persons chosen to represent the Authority (Group D), may at any time require a review of the Agreed Syllabus which is currently being used by the Authority.
- f) **to consider**, in partnership with the LA, whether any changes need to be made to the Agreed Syllabus or in the support offered to schools in the implementation of the Agreed Syllabus, to improve the quality of RE and the learning of pupils.
- g) **to offer** schools and the LA advice concerning how an existing syllabus can be interpreted so as to fit in with wider changes in education.
- h) **to receive, determine and review** applications from headteachers that the requirement for **Collective Worship** in community schools to be wholly or mainly of a broadly Christian character shall not apply to the collective worship provided for some or all of the pupils at that particular school.
- i) **to publish** an annual report on its work and on actions taken by its representative groups, specifying any matters on which it has advised the LA, broadly describing the

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nature of that advice, and setting reasons for offering advice on matters which were not referred to it by the LA. This report will be presented to the LA and schools and is to be delivered to the Department for Education and NASACRE (the National Association of Standing Advisory Councils for Religious Education) by the date specified. This report should also be made available to the public. The report will provide at least the information specified by the receiving body.

j) **to develop** SACRE's own role, supported by the LA and working with inter-religious bodies, to enhance the important contribution that the study of religion and belief can make to community cohesion, British values* and the combating of religious prejudice and discrimination.

k) **to offer** advice to the City of XXXXXX LA on any matters related to SACREs.

Membership of SACRE

6) The XXXXXX SACRE will be represented by members who can fully support the effective provision for RE and Collective Worship in schools. All members shall be delegates who are interested in education in general and religious education in particular. All members of SACRE must either live, work, or worship in XXXXXXXXXX.

Group A: Religions and religious denominations in the area (other than Church of England)

This group is made up of representatives of Christian denominations other than the Church of England and other religious traditions represented in the City of Stoke-on-Trent.

The number of representatives for each religious tradition or denomination will reflect the numbers of people in XXXXX thought to identify with that religious tradition.

The following formula will be applied:

- a) One representative for under one thousand (1 for fewer than 1,000)
- b) Two for a thousand to ten thousand (2 for 1,000 to 10,000)
- c) Three for ten to thirty thousand (3 for 10,000 to 30,000)

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d) Thereafter a representative for each band of ten thousand entered (1 for each extra 10,000)

Applied to the 2011 Census data the following membership is required:

- Christian (other than Church of England) – 15 seats
- Muslim – 3 seats
- Hindu – 2 seats
- Sikh – 1 seat
- Jewish – 1 seat
- Buddhist – 1 seat

Each of these representatives should be nominated by an appropriate faith organisation. All members of this group will be appointed by the Local Authority, which will have taken reasonable steps to assure itself that the nominee is representative of the relevant faith group and that they fully support the effective provision for RE and Collective Worship in schools. The nominating body will be the point of reference should the LA have any questions pertaining to their nominee(s) either before or subsequent to their appointment.

Group B: Church of England

This group is made up of 3 members of the Church of England, representing the Diocese of XXXX. It can include both clergy and lay people. Each nominee will be proposed by the Diocesan Board of Education and appointed by the LA. The nominating body will be the point of reference should the LA have any questions pertaining to their nominee(s) either before or subsequent to their appointment.

Group C: Teacher representatives

The XXXXXXX Local Authority shall appoint members of this group to represent a spread of teacher specialisations as listed below, and these should reflect as broad a spread of teacher associations as possible. Any teacher association that is not represented by the teacher category criteria will have the right to nominate an additional representative.

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The nominating body will be the point of reference should the LA have any questions pertaining to their nominee(s) either before or subsequent to their appointment.

- *2 Maintained School Headteachers (Primary or Secondary)*
- *2 Secondary Academy School Headteachers*
- *1 Primary Academy School Headteacher*

Group D: The Local Authority

This group shall comprise a group of up to seven elected members as nominated by the political parties represented on the council. Also present shall be a Local Authority Senior Officer and the Officer responsible for Community Cohesion. The Local Authority is charged with filling any vacancies.

The nominating body will be the point of reference should the LA have any questions pertaining to their nominee(s) either before or subsequent to their appointment. The Head of Service will be the point of reference should SACRE have any questions pertaining to the Local Authority Senior Officer and the Officer responsible for Community Cohesion.

SACRE officers

- a) Local Authority senior officer (as detailed above)
- b) Clerk to SACRE (non-voting)
- c) RE Consultant (non-voting)

Co-opted members

Any other co-opted members agreed by SACRE members.

- 7) The power to appoint members is vested in the LA in consultation with the appropriate bodies whose representatives comprise the SACRE.
- 8) Any member of SACRE unable to attend a meeting may appoint a named substitute to attend in his/her place.

Vacancies

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- 9) In the event of a vacancy on SACRE the Clerk shall
- a) advise the relevant representative group of the vacancy
 - b) refer any nomination from said group of a replacement member to the LA
 - c) add the nominee's name to the membership of the SACRE upon receipt of the agreement of the LA
- 10) In the absence of nominees from a representative group, the LA may nominate and appoint any person that it considers to be representative of that group and it deems appropriate to fill that vacancy.

Term of Office

- 11) Appointments to SACRE shall generally be for a term of five years from the date that the new member should have attended their first meeting. Groups can re-nominate members after the end of the two years for consideration by the LA. Members may not serve for more than two consecutive periods of two years (i.e. ten consecutive years in total). SACRE may waive this rule with the agreement of all voting members of SACRE if the continued service of a Member was considered to be beneficial to the Council.
- 12) The SACRE shall review the membership annually at the AGM in the summer term.

End of Membership

- 13) A member shall be removed from SACRE if
- a) they reach the end of their term of office and have not been re-nominated
 - b) they write to the SACRE or the Clerk and tender their resignation
 - c) they were appointed by virtue of holding a particular office and they no longer hold that office
 - d) they do not attend three consecutive meetings
 - e) their representative group states, in writing, that the member should no longer act as one of its representatives on the SACRE, where the member was nominated by the representative group

Co-opted members

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14) SACRE shall have the right to co-opt additional members. Co-opted members may take part in any of the discussions but do not belong to any of the groups and do not have voting rights.

15) Members of SACRE or a representative group should consider the following when co-options are decided. Candidates should:

- a) have some experience as religious educators
- b) have a balanced view of the aims of religious education and collective worship
- c) where possible be representative of specific education phases, to provide a balanced spread across various phases

16) SACRE will decide co-options following nominations from members of SACRE or representative groups.

Co-opted members shall hold office on such terms as may be determined at the time of co-option by the representative members and shall hold office at the pleasure of, and may be removed at any time by, the representative members.

Voting

17) Each of the four committees on SACRE shall have one vote. Groups are to determine their own internal voting arrangements. Decisions within a group about how that vote is cast do not require unanimity. Each group is to regulate its own proceedings including provision for resolving deadlock.

18) A proposal shall not be deemed to be carried unless it has been approved by at least three of the four committees, unless otherwise required by law or guidance. If there is a tied vote then the issue would fail, and no action would be taken.

19) The validity of the proceedings of SACRE or of the members of SACRE of any particular category shall not be affected by a vacancy in the office of any member of SACRE, or on the ground that a member appointed to represent any religion, religious denomination or association does not at the time of the proceedings represent the religion, religious denomination or association in question.

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Quorum

20) A quorum shall consist of one member from at least three of the constituent groups with a total presence of no less than one third of the appointed members

Chairs and Vice Chair

21) The chair and vice chair will be appointed by the membership of SACRE at the AGM in the summer term or any meeting during the year when the position is vacant. Normally the chair and vice chair will remain in their positions for two years.

22) The chair and vice chair, where possible, will represent different committees of the SACRE and if possible have different religious backgrounds.

23) SACRE will put in place procedures to consider succession planning for the posts of chair and vice chair.

24) Where a vote is required, voting will be by a simple majority with each committee being assigned one vote.

25) The Chair will be responsible for:

- a) the management of meetings
- b) representing the SACRE to other bodies
- c) such other duties as the SACRE considers appropriate.

26) The Vice Chair will be responsible for:

- a) deputising for the chair as required;
- b) representing the SACRE to other bodies in the absence of the chair or in agreement with the Chair
- c) such other duties as the SACRE considers appropriate.

The Clerk

27) The LA shall appoint, fund and supervise a Clerk to

- a) attend the full meetings of SACRE, any agenda setting meeting and Agreed Syllabus Conference meetings

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- b) take appropriate minutes and notes at meetings
- c) maintain and update the records of SACRE and its meetings
- d) perform any other necessary administrative duties
- e) provide a copy of the minutes and papers of meeting to the members of SACRE and LA

The Local Authority officer

28) SACRE shall be served by a senior Local Authority Officer. The LA officer will:

- a) attend each SACRE and ASC meeting
- b) represent the views of the LA at these meetings
- c) provide necessary information and support to the RE Consultant regarding RE and Collective Worship in the XXXXX schools
- d) ensure that the LA provide sufficient funds for SACRE to perform its functions.

The RE Consultant

29) The RE adviser will:

- a) attend each meeting of the SACRE and support the SACRE to fulfil its function with regard to RE and Collective Worship
- b) work with the Chair, Clerk and LA Officer to prepare the SACRE agenda and any reports, papers or advice required
- c) report regularly to SACRE on work completed on behalf of SACRE
- d) provide expertise and advice in the areas of RE and Collective Worship.

Frequency of Meetings

30) There will normally be three SACRE meetings per academic year, one per term. Meetings will be convened by the LA. The summer term meeting will be the AGM.

31) Special meetings may be called by the Chair, Vice Chair and LA acting jointly.

32) Details of the business to be considered by the meeting, which will be included in the agenda, must be received by the Clerk not later than 15 school days before the meeting.

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33) The Clerk will, no later than 5 working days before the meeting, circulate the agenda and supporting papers to the members.

Convening an Agreed Syllabus Conference

34) The XXXXXXXX LA is required to convene an Agreed Syllabus Conference (ASC) to review the Agreed Syllabus every five years. An ASC may be requested to be convened by SACRE more frequently.

35) This conference will ideally have the same composition as SACRE. There is no provision for co-opted members, however some individuals may be invited to all meetings of the conference and its committees in order to give their advice.

General

36) The SACRE may if it wishes establish working parties to take forward specific projects comprising representatives of each of the groups and the RE Consultant. These working parties will report back to SACRE regularly, according to a schedule agreed at the outset of the project.

37) In accordance with the statutory requirements of the Education Act 1996 and associated regulations, the press and public will be entitled to attend meetings of the SACRE, but may be excluded from the meeting during the consideration of items containing information capable of being treated as exempt information if meetings of SACRE were meetings of a Local Authority. The press and public are not entitled to attend meetings of an Agreed Syllabus Conference.

38) The Constitution will be reviewed on a biennial basis at the Summer term meeting of SACRE (the AGM) and suggestions for amendment voted on as described in Clauses 17 – 20. Minor amendments may be brought to any meeting, with the agreement of members, and such minor amendments voted on as described in Clauses 17 – 20.

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