

**Report to Cllr N Jupp, Cabinet Member for Learning and Skills**

**November 2021**

**Appointments to the Standing Advisory Council on Religious Education**

**Report by Mr T Kershaw, Director of Law and Assurance**

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**Summary**

The County Council is required to establish and maintain a Standing Advisory Council on Religious Education (SACRE) as part of its statutory education function and to make appointments to it in accordance with the relevant legislation.

Following the County Council election in May 2021 appointments to SACRE were made following procedures used in previous years. There are currently three matters requiring attention to complete and regularise appointments to SACRE – the filling of a vacancy for an elected member, the status of the Free Church representative and the determination of a request for membership by the Humanist Society.

The report explains the background to these matters and the reasons for proposals.

**Recommendations**

The Cabinet Member for Learning and Skills is asked to approve:-

- (1) That Cllr Zack Ali be appointed to Committee D of SACRE from November 2021 until the end of the current Council term (May 2025)
- (2) That Rev'd David Pitkeithly, the co-opted representative of the Free Churches be designated as a full and voting member of SACRE Committee A with effect from November 2021 and until the end of the current Council term (May 2025)
- (3) That Mr Andrew Edmondson be appointed to Committee A of SACRE as a representative of the Humanist Society until the end of the current Council term (May 2025)
- (4) That the Free Churches and Humanist Society organisations are also given the facility to appoint representatives to the Agreed Syllabus Conference, which is a separate meeting to SACRE.

**Proposal**

**Background and context**

- 1.1 SACRE is a committee required to be established for each local education authority area to provide advice and guidance on the teaching of religious thought and beliefs within the schools for which the relevant Council is

responsible. The composition of a SACRE is determined by legislation. The detail is set out in the appendix as is the current membership. There are four committees (A-D) which comprise the full Council. This also applies to the Agreed Syllabus Conference, which must meet every five years to consider and approve the Religious Education Syllabus for West Sussex.

- 1.2 There is currently a vacancy in committee D which comprises the elected members of the Council.
- 1.3 SACRE membership is renewed after every County Council election. The clerk writes to the faith organisations/union/teacher groups to ask for nominations. The groups do not have to explain why they have nominated a particular person. Appointments are based on trust that the nominee will be suited to the tasks and to represent the interests of the bodies nominating them. No specific experience, background or their qualification or suitability for the work of SACRE are required to be shown.
- 1.4 Since 2000 the appointment of the County Council's members to Committee D has been carried out by the Cabinet Member. As the Council's Education functions are executive functions delegated to the Cabinet and Cabinet Member and, as the Advisory Council reports to and advises the Cabinet Member, this approach is appropriate.
- 1.5 In 2021 SACRE considered an application by the Free Churches to appoint a representative as a co-opted member of SACRE. That request was agreed and Rev David Pitkeathly, their nominee, was appointed. Consideration should have been given at that time to such an appointment being made to serve as a full and voting member of SACRE on Committee A and that oversight is the purpose of this report.
- 1.6 In 2020 a request was made by the Humanist Society in West Sussex to be co-opted to SACRE. This was refused. This followed an earlier refusal in 2007. This appears to have been based on advice that such representation was not in accordance with the legislation which refers only to representation of religious organisations whereas Humanism is a non-religious belief system. Subsequently in May 2021 a request was made by the Humanist Society for full membership of Committee A and this too was refused on the same grounds. Following further representations this request has now been reviewed and fuller and more considered advice, included in this report, explains why such a request is now being recommended for approval.

## **Proposal details**

- 2.1 Following a request for nominations Cllr Zack Ali has been proposed to serve as a member representative on Committee D of SACRE. It is proposed that the appointment take effect immediately and continues until the end of the current Council term in May 2025. There is no need for political proportionality to be considered in relation to this appointment. The current make-up of Committee D is set out in the appendix.
- 2.2 There is a recent history of co-optees to SACRE. In 2017, the Head of RE at the University of Chichester was co-opted, as was an RE teacher from Steyning Grammar School. Both stood down in 2021. Their applications were made to SACRE, which appointed them. The current co-opted member is a representative of the Free Churches and an experienced SACRE member from

another area, who located to the area and applied to join with the support of the Free Churches Network. SACRE considered his application to join and agreed to co-opt him.

- 2.3 Consideration should now be given to whether that request should have been considered as a formal request for appointment as a full and voting member of Committee A of SACRE. The Free Churches Network is a reputable and recognised representative group of equally recognised faith-based organisations with standing in West Sussex and as such should be entitled to be considered for full representation alongside other faith groups. It is proposed that the current co-optee, Rev David Pitkeathly, be appointed to Committee A as a full voting member with immediate effect and until the end of the current term in May 2025.
- 2.4 All appointments to SACRE should be dependent on the 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 Committee A. As set out below this should not be confined to organised faith-based groups but other recognised belief systems with an identifiable level of adherence or membership within the local community such as to make the group relevant for the work of SACRE.
- 2.5 More than 50 SACREs in England now have humanists as full members.
- 2.6 Mr Andrew Edmondson has been nominated to be appointed to Committee A of SACRE on behalf of the Humanist Society. It is proposed that this request be approved. Mr Edmondson first began attending West Sussex SACRE as an observer in March 2006 and attended SACRE meetings as an observer for over 5 years. Another prospective humanist representative attended West Sussex SACRE meetings in the capacity of observer but stopped attending meetings after a short period and following a rejected request for membership.
- 2.7 The Humanist belief system is a recognised non-religious set of views with well-established organisational presence in many communities across the UK and including West Sussex. Its views should be treated as equivalent in value and status to other belief systems with such recognised presence in the same community. As set out below there are compelling Human Rights and Equality grounds for ensuring that the Council considers with equal merit and in a similar way, requests for representation on SACRE from non-religious as well as religious or faith-based groups.
- 2.8 It is proposed that, in line with the approach taken in other appointments, no further tests or requirements be sought to support the nomination and that it be approved.
- 2.9 In West Sussex, the approach for the Agreed Syllabus Conference is to invite representation from the same organisations that appoint to SACRE. The fourth recommendation makes this explicit for the proposed new additions to Committee A.

### **Other options considered (and reasons for not proposing)**

- 3.1 In respect of each of the proposals the Council could decide to take no action – to leave the vacancy, the status of Free Church representation as co-optee and to decline to consider the value of Humanist representation or to include

representation to address the need for non-religious belief systems to be considered as part of the work of SACRE. It is considered that these alternative approaches would not adequately meet the needs of SACRE or the obligations of the Council in relation to ensuring that SACRE's work is effective and valued.

## Consultation and engagement

- 4.1 In relation to the first proposal there has been an opportunity for all groups and those not in political groups to suggest representation as an elected member on SACRE. Political proportionality is not a relevant consideration for this appointment.
- 4.2 In relation to the second proposal SACRE was willing in principle for him to be appointed to a Committee. The views of the SACRE Chairman and the representative himself have been sought and support the change in status to enable full and active membership of SACRE.
- 4.3 In relation to the third proposal it has never been the practice to consult SACRE members on the nominations by other bodies seeking representation as the responsibility for such appointments falls to the County Council. In recognition of a change of approach from previous years and in light of the previous refusals of requests for representation by the Humanist Society the County Council has obtained additional legal advice, has considered the full representations presented by the Humanist Society in support of its request and has examined the practice of other authorities. An increasing number (now over 50) of Councils are making appointments of representatives of non-religious belief systems including Humanism.
- 4.4 The Council's advisers on the curriculum have also advised of the approach by Ofsted in its recent report. An [Ofsted report](#) recently produced on the teaching of RE includes a consistent referral to both religious and non-religious views and traditions. For example, *'Ideally, pupils will build 'personal knowledge' through rich substantive content that links the 'life world' of religious and non-religious traditions to the developing 'life world' of pupils' or, when discussing the importance of the three types of knowledge pupils need in RE, 'first, 'substantive' knowledge: knowledge about various religious and non-religious traditions; second, 'ways of knowing': pupils learn 'how to know' about religion and non-religion; third, 'personal knowledge': pupils build an awareness of their own presuppositions and values about the religious and non-religious traditions they study'.*
- 4.5 There are several references to religion and non-religion throughout and one reference to humanism itself under the title *Are the representations in the RE curriculum accurate?* Here it says:  
  
*It is important for subject leaders in primary and secondary schools to plan precise and accurate representations of religious and non-religious traditions in their curriculums. When those representations are inaccurate, pupils end up having misconceptions. For example, if subject leaders plan for pupils to learn about humanism only in relation to atheism, pupils will not gain wider knowledge of humanism as a way of life.*
- 4.6 In relation to the wider legal considerations which the County Council should take into account, in discharging its educational functions the Council owes parents and pupils a positive duty to respect their religious and philosophical

convictions, having regard among other things to local conditions and, in particular, the preponderance in its area of particular religious views, and their place in the tradition of the country. It may legitimately give priority to the imparting of knowledge of one religion above others, where that religion is practised or adhered to by a majority in society but it also has a duty to take care that information or knowledge included in the curriculum is conveyed in a pluralistic manner and must accord equal respect to different religious convictions, and to non-religious beliefs and must avoid discrimination between religions and beliefs, discharging its duties from a standpoint of neutrality and impartiality.

- 4.7 Human Rights legislation and the provisions which it incorporates do not distinguish between faith-based and other recognised belief systems in terms of the rights afforded and the duty to uphold and protect them. Article 9 ECHR states that Everyone has the right to freedom of thought, conscience and religion; this right includes the freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance. Associated case law confirms that non-religious and religious belief systems should be treated the same. For these reasons it is not proposed that any further enquiry be made and that the request be considered on its merits in the same way as with other requests for SACRE membership.

## Finance

- 1.1 There are no revenue consequences of any of these proposals as they will have no cost considerations beyond the small expenses claims associated with attendance at meetings (if the nominating organisation is unable to cover this), for which there is provision in the Democratic Services budget.

## Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Failure to consider a broad form of representation on SACRE may lead to an unrepresentative body and lead to a less effective or influential Committee or one which does not have the hoped for recognition across the whole community.	The proposals in the report seek to avoid or reduce this risk

## Policy alignment and other matters taken into account

- 7.1 The proposals are in line with the commitment by the Council to sound and effective management of Council business through the 'good governance' project.
- 7.2 In relation to the Council's approach to the discharge of the public sector equality duty the Council recognises the need to consider the interests of those with religious as well as those with non-religious beliefs in relation to its responsibilities to safeguard the interests of persons with protected characteristics. In connection with the third proposal covered in this report (the appointment of a Humanist representative) the Council has taken into account the need to understand the impact of such an appointment in relation to the need to ensure, as far as it can, the avoidance of any inequality of opportunity between persons with and those without protected characteristics. it is

considered that the work of SACRE supports these obligations and that the proposals further enhance and promote the value of the work undertaken by SACRE.

- 7.3 There are direct Human Rights considerations in so far as the County Council must ensure compliance with the Human Rights Act 1998. The European Convention on Human Rights recognises non-religious belief systems as being on a par with religious or faith-based belief systems in terms of the protections afforded by the Convention. This is further detailed above.
- 7.4 There are no implications for the Council's obligations in relation to Climate Change nor in relation to its Social Value policy nor its obligations in relation to Crime and Disorder.

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**Appendix:** Legal Context and SACRE Membership

**Background papers:** None.

## **Appendix**

### **Legal Context and Sacre Membership**

Section 375 of the Education Act 1996 provides that agreed syllabuses of religious education ‘...shall reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in Great Britain.’

Section 390(1-2) of the Education Act 1996 provides that:  
‘A local authority shall constitute a standing advisory council on religious education [SACRE] for the purposes mentioned in section 391(1).

The [SACRE] shall consist of such groups of persons appointed by the authority as representative members (“representative groups”) as are required by subsection (4).’

Section 390(4) sets out the criteria for membership of the Council.

The representative groups required 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 authority

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.

On any question to be decided by the council only the representative groups on the council shall be entitled to vote, and each representative group shall have a single vote.

#### **In West Sussex SACRE is made up of four committees –**

A – Any Christian denominations and other faiths that the authority considers is representative of the county.

B – The Church of England (presumably reflecting the established nature of the Church in English law)

C – Teachers, nominated by Associations that the authority considers is representative of the county.

D – The Local Education Authority, usually county councillors.

### **Constitution of standing advisory councils on religious education - Current membership**

#### **Committee A: Christian denominations and other religious denominations**

Baha'i: Mrs Meenou Jones – appointed at the end of 2020 following resignation of predecessor and re-confirmed for 2021-25

Baptist Union: Mr David Sheldon – new for 2021-25 but was formerly a member some time ago as a county councillor.

Hindu: Vacancy

Jewish: Mrs Barbara Bell – appointed in 2017 and re-confirmed for 2021-25

Methodist: Rev Dawn Carn - appointed in 2017 and re-confirmed for 2021-25

Muslim: Vacancy

Quaker: Maria Hock - appointed in 2020 following resignation of predecessor and re-confirmed for 2021-25

Roman Catholic: Mrs Anna Flood - new for 2021-25

Salvation Army: Major Mike Warner - appointed in 2017 and re-confirmed for 2021-25

Sikh: Mrs Divinder Ghundale - appointed at the end of 2020 following resignation of predecessor and re-confirmed for 2021-25

United Reformed Church: Revd Helen Higgin-Botham - new for 2021-25

#### **Committee B: The Church of England**

Mrs Rosie Black – appointed Jan 2019 following resignation of predecessor

Revd Sheila Higgins - appointed in 2017 and re-confirmed for 2021-25

Mr Andrew Simpson – long standing member

Mrs Angela Smith – long standing member

#### **Committee C: Associations Representing Teachers**

Rev Chrissie Millwood, The Holy Trinity Church of England Secondary School, Crawley - appointed in 2017 and re-confirmed for 2021-25

Ms Helen Elphick, Headteacher, Queen Elizabeth II School – new for 2021-25

Mr Alex Bird, St Mary's C of E Primary School, Horsham – awaiting confirmation

Ms Anne Barker, National Education Union – appointed during 2017-21 and re-confirmed for 2021-25

Ben Cornford, NASUWT, the Teachers' Union – appointed during 2017-21 and re-confirmed for 2021-25

Two union vacancies

**Committee D: The Local Education Authority**

Cllr Richard Burrett (Chairman)

Cllr Nigel Jupp

Cllr Kirsty Lord

Cllr Jacky Pendleton

Cllr Brian Quinn

Cllr Brenda Burgess

Cllr Katie Nagel

Vacancy

**Co-optees:**

Rev David Pitkeathly (Free Churches) - new for 2021-25