

HAMPSHIRE COUNTY COUNCIL

Report

Committee:	Standing Advisory Council for Religious Education
Date:	4 July 2023
Title:	Constitution Review Task and Finish Working Group - Feedback
Report From:	Director of Children's Services

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Purpose of this Report

1. The purpose of this paper is to provide SACRE with the findings of the Constitution Review Task and Finish Working Group from its meeting on the 28 April 2023.
2. The current Constitution is included as Appendix A to this report.
3. Appendix 2 to this report is the proposed updated Constitution for SACRE to consider before presenting to a meeting of the County Council for approval.

Recommendation(s)

4. That the Standing Advisory Council for Religious Education supports the proposed update to their Constitution included as Appendix 2 to this report ahead of consideration and approval by the County Council.

Constitution Review Task and Finish Working Group

5. The Constitution Review Task and Finish Working Group met on the 28 April 2023 and elected Chris Hughes to act as Chairman for the meeting.
6. The group reviewed their remit, as agreed by SACRE within their Terms of Reference and received an overview of the relevant law from the legal advisor present. It was noted that the current Constitution is in accordance with the 1996 Education Act and there had been no updates to this legislation requiring changes to the Constitution as it is currently worded.
7. Following a brief discussion, the Working Group agreed that the Constitution would benefit from an update to clarify sections to make it more accessible,

add a code of conduct for SACRE members and to clarify the compositions of the four Groups which form SACRE.

Feedback from Review of Other Authorities SACRE Constitutions

8. The Constitution Review Task and Finish Working Group then received an overview of NASACRE's guidance on the requirements for SACRE's Constitution, alongside a review of several other authorities Constitution.
9. It was noted that most Constitutions reviewed agreed with and bore many similarities to Hampshire SACRE's current Constitution. It was also noted that many SACREs were incorporating a separate 'code of conduct' for members.
10. In relation to Group A, it was observed that many Constitutions from other authorities stated the number of members who would form the Group and which parts they would represent.

Hampshire County Council's Constitution

11. The Working Group noted that Hampshire's SACRE operated within the scope of Hampshire County Council's Constitution. This provided the framework for the consideration of complaints, the policy in relation to expenses and a code of conduct for members. It was noted however, that an additional SACRE Code of Conduct would be beneficial to set out the expectations for potential and current members of SACRE more specifically.

Group A

12. The Working Group moved onto a discussion surrounding the composition of Group A. The current process for establishing how many positions were available within the Group, how they would be appointed and which groups they would represent was unclear.
13. One suggestion was to link the membership of Group A to the outcome of the Census to proportionately represent the various responses to Religious Identity. However, it was noted that the current Constitution quoted the law, stating 'Christian denominations (other than the Church of England) and other religions and denominations *as in the opinion of the Authority* reflect the principal religious traditions in its area' (emphasis added).
14. Following the meeting of the Task and Finish Group, members were advised that SACRE would receive a recommendation on the composition of Group A from Hampshire County Council Officers. This can be updated and reviewed as required.

Quoracy and Substitute Members

15. During discussion it was raised that the Current Constitution states 'In order for the SACRE to be quorate a minimum of one third of the representatives of

each constituent group must be in attendance at the meeting'. There was a concern that this was a high threshold, and with some Groups having four members the threshold was affectively one half. It was also noted that this varied from the one quarter quorum for County Council meetings as set by the Authority's Constitution. There was also the question of the quorum being one quarter of those appointed to each group, or one quarter of the maximum available vacancies on each group, as if it was the later, each Group would need the number of available seats confirmed.

16. Following the meeting of the Task and Finish Group, members were advised that SACRE could set its own quoracy rules. The proposed updated SACRE Constitution contains a suggested quorum based on the group's discussion.
17. It was also noted that the current SACRE constitution stated, 'each group shall nominate a standing substitute member who will attend any meetings in the event that a group member is unable to attend'. This is contrary to the Council's Constitution in relation to Group D (Councillors) as this allows for several substitutes for each political group. The Council's Constitution is silent on the matter for Co-opted member substitutes, and they are not usually in place.
18. Additionally, it was observed that substitutes for Groups B & C of SACRE would work as they represent a consistent group and do seem to be in place already. However, the composition of Group A means that substitutes for the group will likely not work.
19. Members of the Task and Finish Group therefore considered the possibility of substitutes for all members of the group. There was also a question of substitutes for each of the co-opted members to SACRE (i.e., those who are not part of Group A-D).
20. Following the meeting of the Task and Finish Group, members were advised that SACRE could appoint deputy members to each of its groups as desired. The proposed updated SACRE Constitution contains details of deputy members based on the group's discussion.

Conclusions

21. The following conclusions have been reached by the Constitution Review Task and Finish Working Group.
22. The existing Constitution should be largely retained, with a revision by Hampshire's Legal Services to present the document in clearer language.
23. Hampshire County Council's Constitution provides the framework for the consideration of complaints, the policy in relation to expenses and a general code of conduct for members. A specialist SACRE Code of Conduct could be written to sit alongside SACRE's Constitution to set out the specific

expectations for potential and current members of SACRE.

24. The composition of Group A should be recommended by Officers of Hampshire County Council to SACRE to agree and will be reviewed as and when required.
25. The Quorum should be updated to require 30% of SACRE voting members to be present while all four groups are represented.
26. Substitute members of SACRE can be appointed as SACRE requires.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	No
People in Hampshire live safe, healthy and independent lives:	No
People in Hampshire enjoy a rich and diverse environment:	Yes
People in Hampshire enjoy being part of strong, inclusive communities:	Yes
OR	
This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:	
N/A	

EQUALITIES IMPACT ASSESSMENT:

Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Equalities Impact Assessment:

This report provides the feedback and proposed changes to the Constitution of the Standing Advisory Council on Religious Education, which are largely procedural in nature and do not affect the County Council's duties in relation to equalities.