

## HAMPSHIRE COUNTY COUNCIL

### Report

<b>Committee:</b>	Standing Advisory Council for Religious Education
<b>Date:</b>	5 October 2023
<b>Title:</b>	Review of Group A on SACRE
<b>Report From:</b>	Director of Children's Services

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#### Purpose of this Report

1. The constitution for SACRE was reviewed in the summer term by a Constitution Task and Finish group and adopted by the SACRE in July 2023. As part of the review, the composition of Group A was discussed, and it was confirmed to the group that relevant law and guidance means that this should be a decision for SACRE.
2. The purpose of this paper is to provide SACRE with the findings of the review of Group A, taking into account relevant information, including the law for SACRE's, NASACRE guidance, the Census 2021 results and recent legal decisions.

#### Recommendation(s)

3. That SACRE agrees the composition of Group A as set out in Appendix B of this report.
4. That SACRE will regularly review membership of Group A on the basis of local context, seeking advice on this where appropriate.
5. That any potential members of Group A be invited to attend three meetings of the SACRE as an observer to see if they wish to join SACRE.
6. That any potential members of Group A be representative of their organisations/communities who are also members of the RE Council of England and Wales.

#### Summary of the Research

#### The Law:

7. The Local Authority is responsible for appointing representatives to each of the 4 groups. This is stated in the [Non Statutory Guidance for RE](#) and referred to by NASACRE as part of its guidance for SACRE's. The guidance states that the Local Authority must:
  - ensure that the composition of Group A on a SACRE and Committee A on an Approved Syllabus Conference is broadly representative of the proportionate strengths of the denominations and religions in the area.
  - take all reasonable steps when appointing a person to be a member of a group on a SACRE or a committee of an ASC to represent any religion, denomination, or association, to ensure the person appointed is representative of the religion, denomination or associations in question.
8. This is also referenced in the Education Act 1996, paragraph 390 (4-6).
9. The current membership of Group A is attached in the Appendices as well as the 2021 Census results for Hampshire. Going forward, other sources of information will also have to be reviewed as this will become out of date as the years go by.
10. From the Census, it can be seen that the principal religions in Hampshire do have representation on the SACRE, although some positions are vacant currently and this should be a priority for the SACRE to replace them this year. The second largest group in Hampshire, the non- religious group, does not have membership of group A. There is a Humanist co-opted member on SACRE and this has been the case for many years. The Locally Agreed Syllabus Living Difference has also had Humanism included in it as well as the principal religions for many years. With reference to religions other than those named on the Census, it can be seen that 0.7% of people nationally identify as "other religion", but further Hampshire specific data is not available, so it is hard to ascertain what "other" religions there may be in Hampshire, but this may become clear as further information comes to light. Going forward, it is important that other data as well as the census be considered.

### **Recent Guidance from the Department of Education**

11. In August 2023, the Department of Education issued guidance for SACRE's on a recent case concerning membership applications for those holding non-religious beliefs and stated as follows:
12. The guidance refers to the case of *Bowen v Kent County Council* which states that membership applications of those holding non-religious beliefs should be considered for Group A in the same way as those holding religious beliefs.
13. The above applies where the non-religious belief system is analogous to a religious belief system. Specifically, to be "analogous", the nonreligious 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.

14. The guidance reiterates that membership decisions are a matter for the Local Authority, and for group A should be based on reflecting the relevant traditions and beliefs within the Local Authority.
15. This case law and the letter from the Department of Education therefore needs to be considered when looking at group A.

#### **Procedure for Appointing members to a Group:**

16. The Local Authority must look carefully at any applications to join the SACRE and ensure that they have followed the principles set out under the law and recent NASACRE and DfE guidance referred to earlier. Additionally, any successful applicants will be asked to sign the SACRE Code of Conduct.

#### **Conclusions**

17. All applications to join the SACRE must apply in the same manner and will be reviewed by the Local Authority according to the guidelines given above in the Law. The current membership meets the requirements of the principal religions, but the recent case law suggests that the non-religious representation on Group A needs to be reviewed.
18. The Hampshire SACRE has had a Humanist representative on the SACRE for many years as a co-opted member and Humanism has been a key part of the Hampshire syllabus since it was developed in 2004. Humanism remains the largest organised non-religious tradition that falls within the 'analogous to religion' criteria outlined in DfE guidance. Therefore, it is recommended that the Humanist representative be made a full Group A member and this position is therefore included in the list given for membership of Group A on the SACRE.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

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

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. 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.

### **2. Equalities Impact Assessment:**

Living Difference IV, the locally agreed syllabus for religious education has an interest in equalities at its heart. A high quality religious education taught according to Living Difference IV seeks to contribute to the elimination of discrimination, harassment and victimisation especially and directly with regard to the protected characteristics of race and religion. Further, through experiencing a high-quality religious education taught according to Living Difference IV there is the intention to mitigate xenophobia of all kinds thus fostering good relations.