

RECORD OF EXECUTIVE DECISION

Monday, 15 November 2021

Decision No: (CAB 21/22 32813)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	EDUCATION
SUBJECT:	Changes to SACRE Constitution
AUTHOR:	Alison Philpott, Cross Phase Adviser

THE DECISION

- (i) To approve the amended Constitution for SACRE attached at Appendix 1 including the addition of two additional voting members in Group A. One for a representative having no specific religious affiliation, recognising secular representation as a 'belief' within the meaning of the Human Rights Act 1998 and accurately reflecting the changing nature of religious and non-religious beliefs in current society and the Southampton area (Note – this Recommendation was NOT supported by Group A of SACRE at their meeting on 2nd November 2021, however was supported by Groups B-D). One for a representative of Southampton City Mission as representative of their work on behalf of a group of churches not covered by the other members (Supported by all SACRE groups at their meeting on 2nd November 2021).
- (ii) If recommendation (i) above is approved Cabinet is asked to delegate authority to the Executive Director of Wellbeing, following consultation with the Chair of Sacre to agree an application process and determine any applications / appoint members to the 'belief' vacancy set out above.
- (iii) To delegate authority to the Executive Director of Wellbeing, following consultation with the Chair of Sacre to carry out a further review of SACRE membership once the Census 2021 data has been published in 2022 and to bring back any further recommendations on Membership changes to the next annual review of the SACRE Constitution in November 2022.
- (iv) To approve the additional changes to the constitution including that SACRE 2.1; must follow the SCC complaints process for any complaints received; 12.2 that future decisions from SACRE do not require unanimity; minor word changes to represent the changing landscape of maintained and academy schools, and job role titles. (SACRE unanimously supported this recommendation).

REASONS FOR THE DECISION

1. Recommendation i

Current data that has been collected from the available school information systems indicate that parents of over 13,500 children (40%) recorded that their child has “no religion” which is the largest single group represented across current pupils across the city. There is no further breakdown available so it is not known if any other non-religiously affiliated groups would want to have a seat on SACRE.

During the last review (November 2020) full voting membership for Humanists as a specific group was considered, but not recommended. This previous decision has been considered in this review and there was insufficient evidence that Humanists would represent all people who would be within this population group .

A review of pupil data has shown a need to reflect wider ‘belief’ systems (including a belief in secularism) and recognises based on the current evidence that a place should be made available to accommodate this within the SACRE Constitution. In order to ensure all groups representing secular or non-religious beliefs have an opportunity to apply for a place on SACRE an application process, has been proposed so SACRE can aim to ensure appropriate representation from across all groups, within the SACRE legal framework, who may belong to the population group in the city, and recognise this would include people who would say they are Humanists.

If this proposal is rejected and the status quo persists then it is probable that the South Hampshire Humanists and / or other affected groups will 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 implication to SCC.

Group A to which both proposed new membership groups would join did not give a reason for their non-unanimity regarding the non-religiously affiliated member recommendation. But they did state they were not unanimous and therefore under the current constitution this meant they could not vote to approve the recommendation. The three other groups B-D all voted to approve the recommendation,

Second part of recommendation i

The Southampton City Mission should be considered within Group A members as a “Christian Charity seeking to serve the whole Church as it serves the city of Southampton”. Southampton City Mission may consider its place within other organisations or together with the other named denominational groups – both of which are within Group A. Therefore, there is a current position to apply for membership within in the current constitution arrangements. This was approved as a unanimous vote for all four groups on SACRE.

2. Recommendations ii

This recommendation was made so as to aid the ability to move swiftly forwards to design a process that is fair and transparent for any persons who would wish to apply. This was not unanimously supported by Group A as a direct result of their decision not to support offering an additional vacancy to which the application process would apply. Groups B approved accepting it was recognised as a compromise position to their preferred option of simply appointing a Humanist representative to Group A, and groups C and D voted unanimously to support.

Recommendation iii was made as the census data should be available Spring 2022 and at this point a more robust review would be able to be undertaken of all membership groups so as to ensure that representation is accurate of the City's current population. This was unanimously supported by SACRE and would result in a full review of all membership places and allocation of places in the November 2022 review of the SACRE Constitution and membership.

Recommendation iv – was made to ensure that the constitution includes the expectation if the SACRE received complaints as part of its duty, the better reflect the changing education landscape for schools whilst recognising that 88% of schools locally use the syllabus which includes the majority of schools who become academies also. The other aspect was to remove the need for unanimity for group decisions which can be hindered if there is non-attendance or the group could reach a compromise position. That is not currently possible in the current constitution so would be of benefit to business moving forwards in a pragmatic manner collaboratively recognising that not all groups may always agree, but that the option for compromise can be achieved.

DETAILS OF ANY ALTERNATIVE OPTIONS

To either give full membership to Southampton Hampshire Humanists, but thereby preventing other non-faith groups being represented, or having no non-faith groups represented on SACRE which would disenfranchise a sizeable proportion of those living in Southampton 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.

Alternatively, to continue with co-opted member status, for both requested membership additions, however this has previously been the subject of legal challenge by a Local Humanist group 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.

If the constitution were to retain the need for unanimity for group votes it would mean that compromise decisions would be unable to be achieved which would limit the decision making ability of the committee so this recommendation was made.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None.

CONFLICTS OF INTEREST

None.

CONFIRMED AS A TRUE RECORD

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision.

Date: 15th November,
2021

Decision Maker:
The Cabinet

Proper Officer:
Judy Cordell

SCRUTINY

Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny "Call-In" provisions.

Call-In Period expires on

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*