



## COUNCIL – 9TH OCTOBER 2018

**SUBJECT: PROPOSED MEMBERSHIP INCREASE – CAERPHILLY STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION (SACRE)**

**REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND CORPORATE SERVICES**

---

### 1. PURPOSE OF REPORT

- 1.1 For Council to consider recommendations from Caerphilly SACRE to increase its membership within Committee A (faith groups) and Committee B (professional teaching associations) as set out in the report below.

### 2. SUMMARY

- 2.1 At its Summer Term meeting on 13th June 2018, Caerphilly Standing Advisory Council on Religious Education (SACRE) discussed its membership in light of new guidance from Welsh Government and a number of membership requests received.
- 2.2 Given SACRE's inclusive nature and their encouragement for a range of diverse views, and having regard to revised guidance from Welsh Government, SACRE were of the view that there is scope to extend the number of places on Committee A (faith groups) to accommodate the inclusion of a wider range of faith groups/ religions and the inclusion of those who hold secular or non religious beliefs.
- 2.3 SACRE was also of the view that there is a need to increase the membership of Committee B (professional teaching associations) in order to have sufficient teacher representation at all its meetings, and so that the important changes currently occurring within the curriculum can be fully considered.
- 2.4 As the composition of SACRE membership is a matter for full Council, SACRE recommended to Council that:-
- (i) Committee A (faith groups) membership of SACRE be increased by **two** places (to comprise one place for a non-Christian faith group/religion and one place for a group who hold secular or non religious beliefs);
  - (ii) Committee B (professional teaching associations) membership of SACRE be increased by **one** place and allocated to the NASUWT teaching union.

### 3. LINKS TO STRATEGY

- 3.1 The report links to SACRE's duty to monitor and develop the provision of Religious Education and Collective Worship in schools and contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales.

#### 4. THE REPORT

- 4.1 The Wales Association of SACREs (WASACRE) recently wrote to Welsh Government seeking clarity on Committee A membership in light of Humanist requests to join SACREs under Committee A membership. The original guidance under paragraph 103 of Circular 10/94 stated that “the inclusion of representatives of belief systems such as humanism, which do not amount to a religion or religious denomination, on Committee A of an agreed syllabus conference or Group A of a SACRE would be contrary to the legal provisions referred to at paragraph 102”.
- 4.2 Whilst the appointment of persons to a SACRE is a matter for local authorities and the SACREs, Welsh Government has taken legal advice into consideration and have now advised that representatives from non-religious belief systems may be appointed to Group A of a SACRE or Agreed Syllabus Conferences (ASCs) to ensure that these fully reflect the beliefs of the communities that they are representing and to comply with current legislation. The letter from WG is contained at Appendix 1 and supersedes paragraph 103 of Circular 10/94.
- 4.3 On the basis of this letter, a member of Wales Humanists requested that Caerphilly Council take steps to increase the membership of SACRE so as to include a Humanist representative as a member of Group A.
- 4.4 At its Summer Term meeting on 13th June 2018, Caerphilly SACRE discussed its membership in light of the guidance received from Welsh Government, together with membership requests received across a number of its committee groupings. SACRE were mindful that they can only recommend membership changes across Committees A to C and that the final decision rests with the local authority’s full Council. The decision on the inclusion of co-opted members is within the remit of the SACRE Committee.
- 4.5 The current membership of SACRE is set out in Appendix 2 of this report. There are currently:-
- 5 faith representative places on SACRE (Committee A);
  - 6 teacher representatives (Committee B);
  - 6 local authority councillor representatives (Committee C);
  - 2 co-opted places (without voting rights), which were set up to address any imbalances across the main committee groups.
- 4.6 Given SACRE’s inclusive nature and their encouragement for a range of diverse views, and having regard to the revised guidance from WG, it was suggested that SACRE consider extending Committee A membership by **two** places in order to accommodate the inclusion of a wider range of faith groups/ religions and the inclusion of those who hold secular or non religious beliefs.
- 4.7 SACRE also considered membership of Committee B (professional teaching associations) and noted that whilst the vacant UCAC position has recently been filled, vacancies remain across the NUT and ASCL union places. SACRE are having difficulty in securing replacement members for these specific unions, whilst there has been an influx of interest from teachers across other unions which are already represented on SACRE. It is very important to have sufficient teacher representation and committed members on SACRE owing to the breadth of the National Curriculum review and the ways in which this could impact on the delivery of Religious Education.

- 4.8 The largest teaching union (NEU) is already well represented on SACRE, having two places via the amalgamation of the NUT and ATL. It was therefore suggested that SACRE consider increasing Committee B by **one** place to include a second representative from NASUWT, which is the second largest teaching union in the UK and for which expressions of interest have already been received..
- 4.9 It should also be noted that SACRE discussed their co-opted places at the Summer Term meeting but agreed to defer consideration of the way forward on these, pending the decision of Council in regards to the composition of Committee A and B. Additionally, it is not proposed to increase the composition of Committee C (local authority councillor representatives) as there is sufficient representation in this regard.
- 4.10 Following discussion on the contents of the report, Caerphilly SACRE unanimously recommended to Council that:-
- (i) Committee A (faith groups) membership of SACRE be increased by **two** places (to comprise one place for a non-Christian faith group/religion and one place for a group who hold secular or non religious beliefs);
  - (ii) Committee B (teaching unions) membership of SACRE be increased by **one** place and allocated to the NASUWT teaching union.
- 4.11 Since the meeting, the RE Advisor to Caerphilly SACRE has also provided further information (as set out below) to support the reasons for an increase in membership.

#### **Reasons for increasing membership of Committee A (faith groups) by two places**

- 4.12 Caerphilly SACRE prides itself on its inclusive nature and the encouragement of a range of diverse views to be expressed on this committee and such diversity is to be encouraged. There are currently 5 places for the faith communities on SACRE, which is less than the other two representative groups, and two extra places would extend the membership to 7 places. In order to increase diversity on the Committee and reflect this, SACRE wish to extend the membership by including two additional places as follows for:
- (a) The inclusion of a wider range of faith groups/ religions. Current membership of SACRE reflects the Christian faith and its denominations in the local community. There are currently no members of non Christian communities on Caerphilly SACRE. SACRE has tried to redress this by having a reserved co-opted place for a diversity and multi-ethnic group such as Race Equality Wales but to date have been unable to fill that position since it was vacated 2 years ago.
- (b) The inclusion of those who hold secular or non religious beliefs. A member of Wales Humanists has written to SACRE seeking a place. The arguments for inclusion of a secular or non religious beliefs member of SACRE would include:
- (1) The letter from Kirsty Williams of May 2018 that to ensure compatibility with the Human Rights Act she has ruled that representatives from non-religious belief systems (such as Humanism) may be appointed to Group A;
  - (2) The 2017 revised GCSE specification for Religious Studies from WJEC includes the study of secular as well as religious beliefs and this will be assessed in the examination. The specification states:
    - *The specification will develop learners' knowledge and understanding of religions and non-religious beliefs, such as atheism and humanism*
    - *All candidates must also consider non-religious beliefs, such as those held by Humanists and Atheists (this will be explicitly assessed in the (d) questions in the Life and Death theme).*

- (3) There is acceptance in the current agreed syllabuses in Wales that part of the RE skill of engaging with fundamental questions should give pupils opportunities to “interrogate a range of evidence from religious and non – religious sources... in order to consider issues raised”

- 4.13 SACRE believes that a full Committee A position for a non-Christian faith religion could be filled from the local community and would add value to the discussion and debates of SACRE. It is also the opinion of SACRE that a non-religious representative position could add value to the debate and discussions that take place in SACRE.

#### **Reasons for increasing membership of Committee B (professional teaching associations) by one place**

- 4.14 Caerphilly SACRE prides itself on its inclusive nature and appreciates the professional input received by teachers and headteachers on the Committee. Their views are especially important as the nature of SACRE is to be an advisory body to the local authority on matters of religious education and collective worship in schools. At the current time the curriculum in Wales is undergoing review to reflect the recommendations of Professor Donaldson in his report *Successful Futures - Independent Review of Curriculum and Assessment Arrangements in Wales*. His recommendation in regard to religious education was that:

*“Religious education should form part of the Humanities Area of Learning and Experience, and should remain a statutory curriculum requirement from reception”*

The Committee currently has 6 places for the Professional Associations with two places for the NEU (previously NUT and ATL) as they are the largest teaching union with 468,000 members. SACRE would like to extend the membership by one place to include a second representative from NASUWT which is the second largest teaching union with 300,000 members.

- 4.15 SACRE believes that with the very important changes in the curriculum and the impact that it will have on religious education in schools (which is a LA responsibility to ensure that RE is taught and monitored in schools), teacher voice is crucial in helping the SACRE to make decisions and recommendations on RE in schools, and therefore there is a need to extend the membership by one place to 7 members.

### **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 This report contributes to the well-being goals as set out in links to strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in that by ensuring the scrutiny function is effective when reviewing services and policies and ensure it considers the wellbeing goals.

### **6. EQUALITIES IMPLICATIONS**

- 6.1 These have been addressed by the guidance from Welsh Government as attached to this report.

### **7. FINANCIAL IMPLICATIONS**

- 7.1 If approved by Council, the Committee A vacancies would need to be filled via a competitive process to ensure all interested parties have the opportunity to apply. This will involve information being placed on the Council’s website, inclusion on the Council’s Education bulletin, and correspondence sent to the relevant non-Christian and non-religious organisations across the region. This workload can be absorbed into existing budgets and normal staff workloads.

7.2 If approved by Council, Committee B vacancy can be filled by seeking a nomination from the NASUWT.

## **8. PERSONNEL IMPLICATIONS**

8.1 There are no specific personnel implications arising as a result of this report.

## **9. CONSULTATIONS**

9.1 The report has been circulated to the consultees listed below and responses received have been reflected in the report.

## **10. RECOMMENDATIONS**

10.1 That Council agree to increase Committee A (faith groups) membership of SACRE by two places (to comprise one place for a non-Christian faith group/religion and one place for a group who hold secular or non religious beliefs).

10.2 That Council agree to increase Committee B (professional teaching associations) membership of SACRE by one place and that this be allocated to the NASUWT teaching union.

## **11. REASONS FOR THE RECOMMENDATIONS**

11.1 To increase diversity across Caerphilly SACRE and assist the committee in carrying out their role in supporting the effective provision of RE and Collective Worship across the county borough.

## **12. STATUTORY POWER**

12.1 Education Act 1996.

Author: Lisa Lane, Interim Deputy Monitoring Officer  
Consultees: Ms Paula Webber and Mrs Vicky Thomas, EAS - RE Advisor to SACRE  
Councillor John Taylor, Caerphilly SACRE Chair  
Mrs Janet Jones, Caerphilly SACRE Vice-Chair  
Councillor Philippa Marsden, Cabinet Member for Education and Achievement  
Richard (Ed) Edmunds, Corporate Director for Education and Corporate Services  
Keri Cole, Chief Education Officer  
Robert Tranter Head of Legal Services and Monitoring Officer  
Paul Warren, Strategic Lead for School Improvement  
Catherine Forbes-Thompson, Interim Head of Democratic Services

### Appendices:

Appendix 1 Welsh Government Guidance - Letter from Kirsty Williams AM  
Appendix 2 Caerphilly SACRE - Current Membership  
Appendix 3 Report to SACRE – 13<sup>th</sup> June 2018

Kirsty Williams AC/AM  
Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education



Llywodraeth Cymru  
Welsh Government

Local Authority Directors of Education

3 May 2018

Dear Colleagues

I am writing to update you in relation to the governance and membership on Standing Advisory Councils on Religious Education (“SACREs”) and Agreed Syllabus Conferences (“ASCs”).

As you may be aware, the extant guidance relating to SACRE membership is laid out in Circular 10/94 (published by the former Welsh Office in 1994). The circular is non-statutory and is neither binding nor authoritative but there have been a number of queries recently on the issue of membership to Group A of a SACRE. Specifically, on whether persons who hold non-religious beliefs (such as Humanists) should be permitted full membership on Group A in light of the Human Rights Act 1998. For information, details on how membership to a SACRE is constituted is included at Annex A.

The circular states at paragraph 103:

“The inclusion of representatives of belief systems such as humanism, which do not amount to a religion or religious denomination, on Committee A of an agreed syllabus conference or Group A of a SACRE would be contrary to the legal provisions referred to at paragraph 102”.

The appointment of persons to a SACRE is a matter for local authorities and the SACREs. However, taking legal advice into consideration, I am of the opinion that representatives from non-religious belief systems may be appointed to Group A of a SACRE or ASCs, to ensure that SACREs/ASCs fully reflect the beliefs of the communities that they are representing and to comply with current legislation.

It is the view of the Welsh Government that:

- to ensure compatibility with the Human Rights Act 1998 the provisions relating to the constitution of SACRES and ASCs in the 1996 Act are to be interpreted as

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

[Gohebiaeth.Kirsty.Williams@llyw.cymru](mailto:Gohebiaeth.Kirsty.Williams@llyw.cymru)  
[Correspondence.Kirsty.Williams@gov.wales](mailto:Correspondence.Kirsty.Williams@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

permitting the appointment of persons who represent holders of non-religious beliefs in the same way as they permit the appointment of persons who represent holders of religious beliefs; (section 390(4)(a) of, and paragraph 4(2)(1) of Schedule 31 to, the 1996 Act). However, we consider the non-religious beliefs adhered to by the person to be appointed must be analogous to a religious belief, such as humanism. To be “analogous” we consider the non-religious 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.

- an appointment is dependent on the relevant 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 Group A. The final decision of an appointment rests with the local authority, and they are best placed to assess whether a SACRE has the necessary expertise and experience to properly discharge its function.

The same principle applies in relation to appointments to Agreed Syllabus Conferences (ASCs).

For the avoidance of doubt, the guidance set out in this letter supersedes paragraph 103 of Circular 10/94.

With regards to an updating Circular 10/94, I am aware that there are other areas of contention within the document that need to be addressed. As there are some complex issues, consideration of those matters is still on-going and therefore a review of the guidance will be considered once all information on this matter has been received.

I hope this provides clarification on these matters.

Yours sincerely



**Kirsty Williams AC/AM**

Ysgrifennydd y Cabinet dros Addysg

Cabinet Secretary for Education

## Annex A

1. The functions of a SACRE are set out in section 375 of the Education Act 1996 (“the 1996 Act”) and broadly those are to advise a local authority in respect of matters relating to religious education and collective worship. Section 390 of the 1996 Act set out how a SACRE is to be constituted as follows:
  - a) a group of persons to represent Christian denominations and other religions and denominations as in the opinion of the authority appropriately reflect the principal religious traditions in the area. The number of persons appointed should reflect broadly the proportionate strength of the particular denomination or religion in the area (“Group A”);
  - b) a group of persons representing associations that represent teachers; and
  - c) a group of persons to represent the authority.
2. In addition a SACRE may include co-opted members onto it. Such members are to be appointed on the terms as may be determined by those co-opting that person i.e. the SACRE itself (section 392(5) of the 1996 Act). Co-opted members cannot take part in a group vote.

**CURRENT SACRE MEMBERSHIP - SEPTEMBER 2018**

**THE LOCAL AUTHORITY**

Councillor Mrs E.M. Aldworth  
Councillor Mrs G.D. Oliver  
Councillor J. Ridgewell  
Councillor Mrs M.E. Sargent  
Councillor J. Simmonds  
Councillor J. Taylor (SACRE Chair)

**TEACHERS ASSOCIATIONS**

**Primary Schools**

NAHT Headteacher Representative  
UCAC Representative

**Secondary Schools**

ATL Representative  
NASUWT Representative

**Vacancy** (NUT) – Secondary School Representative resigned Nov 2017

**Vacancy** (ASCL) – Secondary School Representative retired June 2017

**CHRISTIAN AND OTHER RELIGIOUS DENOMINATIONS**

Church in Wales Representative (SACRE Vice-Chair)  
Roman Catholic Archdiocese Representative

**Free Churches**

Baptist Union of Wales Representative  
United Reformed Church Representative  
Salvation Army Representative

**CO OPTED MEMBERS**

- (1) **Vacancy** – position reserved for Race Equality First representative or similar equalities organisation
- (2) Primary school representative – position held by primary school RE teacher

**OFFICERS**

Mr Paul Warren (CCBC Strategic Lead for School Improvement)  
Ms Paula Webber (RE Adviser – Education Achievement Service)

**CLERK TO SACRE**

Miss Rebecca Barrett (Committee Services Officer)

**CAERPHILLY COUNTY BOROUGH COUNCIL****REPORT TO: STANDING ADVISORY COUNCIL FOR RELIGIOUS EDUCATION****DATE: 13TH JUNE 2018****SUBJECT: SACRE MEMBERSHIP UPDATE / WELSH GOVERNMENT GUIDANCE****A PURPOSE OF REPORT**

To consider the current membership of Caerphilly SACRE in light of correspondence received from Welsh Government attached at Appendix 3.

To inform SACRE of recent membership requests and to seek its views as to whether it wishes to recommend to Council any changes to its Membership.

**B BACKGROUND - CURRENT MEMBERSHIP**

All Local Authorities have a statutory duty to constitute a SACRE within their local area.

Representation on SACRE is required as follows:

- (i) Such Christian and other religious denominations as, in the opinion of the Local Authority, will appropriately reflect the principal religious traditions in the area
- (ii) Associations representing teachers
- (iii) The Local Authority

The current arrangements for Caerphilly SACRE are as follows:

**1. Faith Group Representatives (Committee A) (5 places)**

There have been no recent changes to membership and all positions are currently filled. At its Spring Term meeting it was confirmed that the Clerk to SACRE would liaise with those representatives who have not attended for some time to determine whether they wish to remain on the committee. As a result, the Salvation Army have indicated that they will nominate a replacement representative over the summer. The remaining members are unchanged.

Additionally, members are asked to consider information contained in Section C of this report in relation to membership requests and correspondence received from Welsh Government

**2. Teacher Association Representatives (Committee B) (6 places)**

There are three vacancies in this group arising from the recent resignations of Mrs Nicola Boardman (NUT). Ms Bethan Davies (UCAC) and Mrs Helen Marsh (ASCL). Efforts are ongoing to fill the vacant places with representatives from the relevant unions, with some success to date (refer to membership list at Appendix 1).

**3. Local Authority Elected Members (Committee C) (6 places)**

All positions are currently filled.

#### **4. Co-opted positions (without voting rights) (2 places)**

These appointments are made at the discretion of the Committee.

The first position is currently vacant but is reserved for a representative from Race Equality First or an equivalent organisation (to address the lack of representation from non-Christian religious communities within the faith group section of SACRE). At their Autumn Term meeting on 19th October 2017, SACRE unanimously agreed that the position should continue to be reserved for a representative from Race Equality First or an equivalent organisation.

The second position is currently filled by a primary school teacher representative, but they have not attended a meeting of SACRE for some time. The Clerk to SACRE has written to the representative on several occasions to determine whether they wish to remain on the committee but has not received a response by the given deadline. Therefore Members are asked to consider how they wish to proceed on this matter.

### **C MEMBERSHIP REQUESTS AND WELSH GOVERNMENT CORRESPONDENCE**

At their last meeting on 19th October 2017, SACRE were advised of membership requests received from Mr Michael Gray (a Methodist Church member and lay preacher) and Mr Ken Chamberlain (of the British Humanist Association). It was explained that Mr Gray would meet the criteria for a faith group representative (subject to endorsement from the Methodist Church) whilst Mr Chamberlain could only be considered for a co-opted position, as he did not meet the criteria for a faith group representative under the guidance from Welsh Government. However, SACRE noted that both requests would need to be declined because there were no vacancies in either of the respective groups at the time.

SACRE agreed for Mr Gray and Mr Chamberlain to be notified of the current membership situation (and for their interest to be held on file pending a suitable vacancy). It was also agreed that the Clerk to SACRE would contact those representatives who have not attended a meeting for some time to determine whether they wish to remain on the committee. It was explained at the meeting that this could potentially open up some vacancies across Committee A and the co-opted group.

Since this time, discussions have taken place regarding the Humanist situation in regards to membership of Committee A across SACREs in Wales, and WASACRE have written to Welsh Government asking for clarity on the matter. Clarification has recently been received in a letter from Kirsty Williams AM Cabinet Secretary for Education which is attached at Appendix 3.

As members will be aware Circular 10/94 provides guidance on how the membership of SACRE is constituted including Committee A.

The Circular states at paragraph 103:

“The inclusion of representatives of belief systems such as humanism, which do not amount to a religion or religious denomination, on Committee A of an agreed syllabus conference or Group A of a SACRE would be contrary to the legal provisions referred to at paragraph 102”.

Whilst the appointment of persons to a SACRE is a matter for local authorities and the SACREs, Welsh Government has taken legal advice into consideration and have advised that representatives from non-religious belief systems may be appointed to Group A of a SACRE or ASCs, to ensure that SACREs/ASCs fully reflect the beliefs of the communities that they are representing and to comply with current legislation.

However, WG consider the non-religious beliefs adhered to by the person to be appointed must be analogous to a religious belief, such as humanism. To be “analogous” WG consider the non-religious 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.

An appointment is dependent on the relevant 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 Group A. The final decision of an appointment rests with the local authority, and they are best placed to assess whether a SACRE has the necessary expertise and experience to properly discharge its function.

The letter from WG advised that for the avoidance of doubt, the guidance set out in the letter attached at Appendix 3 supersedes paragraph 103 of Circular 10/94.

The letter also acknowledges that there are other areas of contention within the document that need to be addressed. As there are some complex issues, consideration of those matters is still on-going and therefore a review of the guidance will be considered once all information on this matter has been received.

On the basis of this letter Mr Chamberlain has requested that the Council take steps to increase the membership of SACRE so as to include a representative of Humanists as full members of Group A.

Should SACRE wish to increase the membership of Committee A, then a recommendation will need to be made to Council for approval.

## **D RECOMMENDATIONS**

1. That SACRE note the details of the current membership and the ongoing arrangements to fill the teacher representative vacancies, including details of any replacement representatives from the relevant unions if secured by the time of the meeting.
2. That SACRE note the details regarding co-opted positions and advise how they wish to proceed on this matter.
3. That SACRE determine whether it wishes to recommend to Council an increase in the number of members comprising Committee A.

## **E BACKGROUND PAPERS**

- Appendix 1 Caerphilly SACRE Membership as of June 2018
- Appendix 2 Minutes of the SACRE Inaugural Meeting - 18th September 1996
- Appendix 2 Letter from Kirsty Williams AM