

2 October 2024

ITEM: 7

Standing Advisory Council on Religious Education

Membership criteria for SACRE Group A

Wards and communities affected:

All

Key Decision:

Non-Key

Report of: Associate Adviser for Religious Education

Accountable Head of Service: Michele Lucas, Assistant Director Education and Children's Commissioning

Accountable Director: Sheila Murphy, Executive Director of Children's Services

This report is Public

Executive Summary

This report proposes a revision of the criteria for membership of Group A to be recommended to the council.

1. Recommendation(s) that SACRE:

1.1 Advise the Council to adopt the following criteria for the identification of the appropriate groups to be included in Group A.

Proposed criteria

Based on the above advice, it is proposed that the following criteria should be adopted as the basis for making appointments to Group A of Thurrock SACRE:

	Criterion	Indicators
1	Suitability of the religion or belief to be represented on SACRE.	<ul style="list-style-type: none">• Cogency: the belief systems is compelling and persuasive in nature.• Seriousness: the belief system is earnest and sincere in character and possesses gravitas.• Cohesion: the belief system and its adherents are integrated and unified (organisationally and/or conceptually).• Importance: the belief system is of significance and standing in society.• The belief system is widely represented on other SACREs or is otherwise recognised by similar statutory bodies.

2	Reflects the principal religious traditions of Thurrock and their proportionate strength.	<ul style="list-style-type: none"> • 0.3% of Thurrock residents (~500) self-identify as adherents of the religion or belief system in census data and/or other demographic data. • Membership or attendance records show the presence of a local community of faith or belief of proportionate size to the other principal religious and non-religious traditions in Thurrock. • There is an active and locally engaged presence of recognised leaders, teachers, clergy, celebrants, or similar individuals present in Thurrock.
3	Availability of a suitable representative.	<ul style="list-style-type: none"> • The proposed individual is able to represent the religion or belief by virtue of their knowledge and experience. • The proposed individual holds a position of responsibility within the religion or belief. • A representative organisation exists which is capable of providing a nomination and vouching for the suitability of the individual. • The proposed individual understands and accepts the aims and objectives of Thurrock SACRE.

The criteria should be considered in the order shown. So, for example, if it is determined that the religion or belief is not suitable to be represented on a SACRE (criterion 1) it is not necessary to consider the other criteria.

The indicators should be used to aid an assessment of whether the criterion is met, but none of them are to be regarded as prescriptive in and of themselves. The fact that a particular indicator is not met does not automatically mean that an appointment should not be made. Each case should be considered on overall merit when determining whether SACRE should advise the Local Authority to make an appointment.

2. Introduction and Background

2.1 Background

Thurrock SACRE last considered criteria for membership of Group A (representatives of religions other than the Church of England) in July 2014. At that time SACRE agreed a set of criteria to determine whether a representative of any particular religion or belief should be invited to join Group A. The criteria agreed were:

In order to nominate a representative to Thurrock SACRE, a religion or belief should have:

- a) A minimum of 500 self-identified adherents (0.3%) in the Thurrock area;
- b) A recognisable local group meeting regularly within the Thurrock area;
- c) A representative organisation capable of providing nominations which is willing to confirm its acceptance of and support for the aims and objectives of Thurrock SACRE.

There have been no significant changes to the relevant legislation since 2014. There have however been legal cases which have clarified how the law should be interpreted and applied. There have also been ongoing demographic changes within the Borough of Thurrock, evidenced by the 2021 Census which was considered by SACRE in January 2023, which continue to affect the local 'landscape' of religion and belief. With these changes in mind, it is now considered appropriate to review the criteria for membership of Group A to ensure that they remain current and relevant.

2.2 Legal Advice

The Chair of SACRE and the RE Advisor received legal advice from Daniel Longe of the London Borough of Barking and Dagenham Legal Services team on 6th March 2024. The main points of advice were as follows:

- The decision to appoint members to SACRE is made by the Local Authority. SACRE may provide advice or recommendations to the Authority in this regard.
- The membership of SACRE should reflect the principle religious traditions in the area, and their proportionate strength [Education Act sections 390(4)(a) and 390(6)].
- Non-religious beliefs may be represented on SACRE if they are 'analogous to a religious belief'. The test for this is one of 'cogency, seriousness, cohesion, and importance' [Case law, *Bowen vs Kent Council*].
- The appointee to SACRE must represent the belief system [Education Act section 392].
- It would be *Wednesbury Unreasonable*¹ for a Local Authority to fetter its discretion in regard to appointments. Rules should be clear, but they must leave room for exceptions and for decisions to be made on a case-by-case basis.
- Application of principles such as proportionality must be consistent with the efficient discharge of the functions of the group.
- If the above principles are followed, the Local Authority is free to make its own decisions regarding appointments and challenges to this would be very unlikely to succeed.

As a local authority, Thurrock is required by law to have a Standing Advisory Council for Religious Education (SACRE). The origins of SACREs go back to the Education Act of 1944 and were strengthened their place in local authorities

¹ **Wednesbury unreasonableness**

A standard of unreasonableness used in assessing an application for [judicial review](#) of a public authority's decision. A reasoning or decision is *Wednesbury unreasonable* (or irrational) if it is so unreasonable that no reasonable person acting reasonably could have made it (*Associated Provincial Picture Houses Ltd v Wednesbury Corporation (1948) 1 KB 223*). The test is a different (and stricter) test than merely showing that the decision was unreasonable. Source: [Thomson Reuters Practical Law](#)

by the Education Reform Act 1988 and the Education Act 1996. The responsibilities of the SACRE are to:

- Provide advice to the Council on all aspects of its provision for religious education (RE) in its schools (not including voluntary aided schools).
- Decide whether the Council's agreed syllabus for RE needs to be reviewed and to ensure we do so.
- Provide advice to the Council on collective worship in its schools (not including voluntary aided or voluntary controlled schools).
- Consider any requests from headteachers to hold collective worship that is not of a broadly Christian character.
- Advise on matters relating to training for teachers in RE and collective worship.

3. Issues, Options and Analysis of Options

Members are requested to accept, amend or reject the recommendations of this report

4. Reasons for Recommendation

(a) The legal advice provided to us makes clear that it is appropriate for SACRE to advise the council in this way.

(b) The 2021 census provides evidence that the proportion of people who identify with named religious and non-religious beliefs is changing over time, both nationally and locally

5. Consultation (including Overview and Scrutiny, if applicable)

Not applicable

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 One of the responsibilities of Thurrock Council is to comply with [the Equalities Duty](#). This duty includes religion and belief as one of the 'protected characteristics' listed in the Equality Act 2010. The recommendation in this report focuses on ensuring that people with different religious and non-religious beliefs are treated fairly.

7. Implications

7.1 Financial

Implications verified by: **David May**
Head of Finance

There are no financial implications for this report. The annual budget for the work of SACRE is funded through the Dedicated Schools Grant.

7.2 Legal

Implications verified by: **Georgina Foster**
Legal

See section entitled Legal Advice on the previous page The advice above is ratified by Legal as of 17.09.2024.

7.3 Diversity and Equality

Implications verified by: **Becky Lee**
Team Manager, Community Development and Equalities

This report includes advice to the council on updating the membership of SACRE to ensure that it appropriate reflects the diversity of the area. It also considers legal advice on ensuring that people with different religious and non-religious beliefs are treated fairly.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder and Looked After Children

Not applicable.

Report Author:

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