

## **CHILDREN AND YOUNG PEOPLE'S SERVICES DIRECTORATE**

### **NORTH YORKSHIRE STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION**

**22<sup>ND</sup> JUNE 2021**

#### **REVIEW OF CONSTITUTION**

##### **INTRODUCTION**

1. SACRE last reviewed and approved its Constitution in 2019. It is appropriate to review it.
2. In liaison with the Chair, Professional Religious Education Adviser and colleagues from Children and Young People's Services, I have gone through the document, comparing it against Constitutions from a number of other Authorities but, in particular, against Guidance from the National Association of Standing Advisory Councils on Religious Education (NASACRE.)
3. There are a number of related documents, such as SACREs Terms of Reference and Code of Conduct. Therefore, some consideration has been given to appending these to the Constitution. On balance, however, it is felt that the Constitution should be a *stand-alone document*, with documents, such as those referred to, forming part of a Pack for Members, which it is intended will be available for them at the meeting of SACRE on 21<sup>st</sup> September.

##### **CHANGES PROPOSED**

4. Some of the proposed changes are presentational - with improvements to the format and layout. Other changes are more substantial. However, these primarily provide clarification, rather than fundamentally altering the document.
5. For ease of reference, the proposed changes are set out in tabular form (at Appendix A).
6. A revised version of the Constitution, incorporating the suggested changes, is enclosed for your consideration and approval (Appendix B).

## **CONCLUSION**

7. A number of changes are proposed. These do not fundamentally alter the Constitution. They are designed to provide clarity and to align our Constitution with the Guidance provided by NASACRE.

## **RECOMMENDATIONS**

8. That SACRE approve the proposed changes to its Constitution and thereby ratify the revised Constitution, incorporating the changes, at Appendix B to the Report.

Patrick Duffy  
Clerk to North Yorkshire SACRE

June 2021

Background papers relied upon in the preparation of this report - None

## SUMMARY OF PROPOSED CHANGES TO NORTH YORKSHIRE SACRE CONSTITUTION

NO.	ASPECT AND SUGGESTED CHANGE	COMMENT/RATIONALE
1	<p><u>General comment: Description of the bodies that comprise SACRE</u></p> <p>Throughout the document, the use of the words <i>Committee/Group</i> has been made consistent - with the latter being used.</p>	<p>The terms <i>Committee</i> and <i>Group</i> are used interchangeably throughout the Constitution</p> <p>NASACRE refer to the bodies that comprise SACRE as “Groups”, rather than “Committees.” We should follow that</p>
2	<p><u>Why is there a SACRE?</u></p> <p>Wording changed to: <i>It has been established under the provisions of Sections 390 – 397 of the Education Act 1996. Each Local Authority that provides an education service must have one.</i></p>	<p>The legislation quoted in the current version has been superseded</p>
3	<p><u>What are the duties of SACRE?</u></p> <p>Under <i>The SACRE must...</i> inserted: <i>This includes requiring the Local Authority to set up a Statutory Conference to review the agreed syllabus if, in the opinion of the SACRE, this becomes necessary.</i></p>	<p>This provision is contained in a number of other SACRE Constitutions</p>
4	<p><u>What are the duties of SACRE?</u></p> <p>Under <i>The SACRE should...</i> wording amended to include community schools, namely: <i>Monitor the provision and quality of RE taught, according to its agreed syllabus, together with the overall effectiveness of the syllabus and collective worship in community schools.</i></p>	<p>Reference to community schools should be included</p>
5	<p><u>What are the duties of SACRE?</u></p> <p>Under <i>The SACRE may...</i> inserted: <i>Consider complaints about the provision and delivery of RE or Collective Worship referred to it by the Local Authority, provided that the appropriate complaints procedure within a school has been used in the first instance.</i></p>	<p>Taken primarily from NASACRE Guidance but adapted to stress that school complaints procedures should be utilised initially, so that SACRE is not considering matters that it would not be appropriate to</p>

NO.	ASPECT AND SUGGESTED CHANGE	COMMENT/RATIONALE
6	<p><u>Attendance at meetings</u>            Inserted: <i>Substitutions are not permitted.</i></p>	<p>This clarifies the position. Also, it is felt that SACRE will benefit from regular, consistent attendance by its Members</p>
7	<p><u>Who sits on the SACRE?</u>            Inserted: <i>At the beginning of each school year, each Group should elect a Chair to report its decisions to SACRE.</i></p>	<p>Some matters determined by SACRE are required to be considered within Groups first, who then vote (as a Group). Electing a Chair will provide greater ownership and save time that can be lost by a Group deciding who their spokesperson should be on each occasion.</p>
8	<p><u>Who sits on the SACRE?</u>            Under Group A, inserted: <i>Membership is in accordance with Sections 390 and 392 of the 1996 Education Act. It is determined by the Local Authority and is in accordance with, and represents proportionately, the major denominations and faith groups in North Yorkshire. Members are identified in collaboration with the organisations and communities represented.</i></p>	<p>Provides clarity.</p>
9	<p><u>Who sits on the SACRE?</u>            Under Co-opted Members, inserted: <i>The representative of the Corporate Director for Children and Young People's Service would initially make the approach, following discussion with the Chair, Vice-Chair and Professional Religious Education Adviser.</i></p>	<p>NASACRE Guidance states we should state the process for appointing Co-opted Members.</p>
10	<p><u>Terms of Membership</u>            Current wording is: <i>Members are appointed by the LA to SACRE for a period of 4 years. After that time, the representing body should nominate a new representative or may choose to continue to nominate an existing member.</i>             Changed to: <i>Members are appointed by the Local Authority to SACRE for a period of 4 years, after which they will be reappointed or replaced.</i></p>	<p>Reflects the fact that not all Members are appointed by Representative Bodies.</p>

NO.	ASPECT AND SUGGESTED CHANGE	COMMENT/RATIONALE
11	<p><u>Meetings</u></p> <p>The grounds on which members of the public can be excluded from the meeting are now stated.</p> <p>Current wording about the process for asking questions by members of the public replaced with: <i>The Chair has discretion to allow members of the public to speak and participate in the meeting where they feel this will help progress a particular item or matter.</i></p>	Provides clarity.
12	<p><u>Voting</u></p> <p>Inserted: <i>For business generally, the SACRE aims to operate on a basis of consensus and, therefore, a formal vote will rarely be necessary.</i></p>	This is not only a laudable aspiration but reflects the reality of North Yorkshire SACRE.
13	<p><u>Voting</u></p> <p>Inserted: <i>In the event of the matter still being deadlocked, the Chair shall not have a casting vote and the matter will be declared a non-decision vote.</i></p>	Provides clarity.
14	<p><u>How is SACRE Managed?</u></p> <p>Current wording is: <i>It is the Local Authority's responsibility to set up a SACRE and this implies it also has a duty to fund it. Funding for SACRE's varies across the country, but in this authority there is no specified budget. The SACRE applies for funding as and when it identifies a need.</i></p> <p>Changed to: <i>The Local Authority must adequately fund SACRE to enable it to carry out its statutory duties and to support high quality RE and collective worship in schools.</i></p>	Reflects wording in recent NASACRE Report on Funding.

NO.	ASPECT AND SUGGESTED CHANGE	COMMENT/RATIONALE
15	<p><u>Complaints</u></p> <p>Current wording does not cover the situation where a SACRE Member complains about another SACRE Member.</p> <p>Therefore inserted: <i>Where concerns are raised by one member of SACRE regarding another Member, this will be referred to the Chair in the first instance, who will liaise with the Local Authority as to the most appropriate response.</i></p>	Provides clarity.
16	<p><u>SACRE Annual Report</u></p> <p>Inserted: <i>It will also be presented to the appropriate Council Scrutiny Committee.</i></p>	This will help raise the profile of SACRE and strengthen links with the Local Authority.
17	<p><u>Advice, guidance and determinations</u></p> <p>This is a new section.</p>	NASACRE Guidance recommends a section on this should be included.
18	<p><u><i>What other activities might the SACRE be involved in?</i></u></p> <p>This has been deleted.</p>	No need to include this information in the Constitution. It can form part of an Information Pack for Members.



## **NORTH YORKSHIRE STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION – CONSTITUTION**

### **Why is there a SACRE?**

It has been established under the provisions of Sections 390 - 397 of the Education Act 1996. Each Local Authority that provides an Education Service must have one.

### **What are the duties of SACRE?**

The SACRE must:

- advise the Local Authority on Religious Education (RE), given in accordance with the agreed syllabus, collective worship and on matters related to its functions, whether in response to a referral from the Local Authority, or as it sees fit. This includes requiring the Local Authority to set up a Statutory Conference to review the agreed syllabus if, in the opinion of the SACRE, this becomes necessary
- have regard to any circumstances relating to the faith backgrounds of the pupils which are relevant for deciding what character of collective worship is appropriate when a school makes application for a determination
- publish an Annual Report on its work and on actions taken by its representative Groups, specifying any matters on which it has advised the Local Authority; broadly describe the nature of that advice; and set out reasons for offering advice on matters not referred to it by the Local Authority
- send a copy of the Annual Report to NASACRE (National Association of SACREs)
- meet in public unless it is likely that confidential or exempt information is to be disclosed
- make Minutes of its meetings available for inspection at the Local Authority's offices (so far as the Minutes relate to the parts of meetings that were open to the public). There are also provisions about public access to the agenda and reports for meetings.

The SACRE should:

- monitor the provision and quality of RE taught, according to its Agreed Syllabus, together with the overall effectiveness of the syllabus and collective worship in community schools;
- provide advice and support on the effective teaching of RE, in accordance with

the locally agreed syllabus; provide advice to the Local Authority and its schools on methods of teaching, the choice of teaching material and the provision of teacher training;

- in partnership with its Local Authority, consider whether any changes need to be made in the agreed syllabus or in the support offered to schools in the implementation of the agreed syllabus, to improve the quality of teaching and learning of RE; and
- offer advice to the Local Authority and - through the Local Authority - to schools, concerning how an existing agreed syllabus can be interpreted and collective worship provided, so as to fit in with a broad, balanced and coherent curriculum

The SACRE may:

- require its Local Authority to review the agreed syllabus and, if after discussion a vote is taken on this matter, the Local Authority Group on SACRE is not entitled to cast a vote. A majority decision by the three other Groups is sufficient;
- decide to advise the Local Authority on matters related to its functions. Equally, the Local Authority may decide to refer matters to SACRE;
- co-opt Members who are not Members of any of the four Groups – such Co-opted members may provide educational expertise, young people's views or religious and non-religious views that reflect a diverse multi-cultural society; and
- consider complaints about the provision and delivery of RE or collective worship referred to it by the Local Authority, provided that the appropriate complaints procedure within a school has been used in the first instance

### **Aims of North Yorkshire SACRE**

- promote a high quality agreed syllabus;
- help teachers and schools raise standards in RE teaching;
- help schools improve the quality of collective worship; and
- contribute towards social cohesion, particularly in respect of improving religious and racial harmony within the community

### **Attendance at meetings**

SACRE Members are expected to attend all meetings, where possible, and send apologies to the Clerk when they are unable to attend. A SACRE Member who fails to attend three consecutive meetings will, subject to further clarification for the reasons for non-attendance, be asked to stand down and an alternative representative will be sought.

Substitutions are not permitted.

## Who sits on the SACRE?

The composition of the SACRE is defined by law. It is made up of four Groups.

Each Local Authority must establish a permanent body called a SACRE. It must appoint representatives to each of four Groups, representing respectively:

### Group A:

Christian denominations and such other religions and religious denominations as, in the authority's opinion, will appropriately reflect the principal religious traditions in the area

### Group B:

The Church of England

### Group C:

Teacher Associations

### Group D:

The Local Authority

At the beginning of each school year, each Group should elect a Chair to report its decisions to SACRE.

Membership of each of the four Groups which constitute the North Yorkshire SACRE is:

### Group A:

Representatives from The Baptist Church, Buddhism, Hinduism, Judaism, The Methodist Church, Islam, The Roman Catholic Church, The Salvation Army, Sikhism, The Society of Friends, The Church of Jesus Christ of Latter-Day Saints, The Humanist Association

Membership is in accordance with Sections 390 and 392 of the 1996 Education Act. It is determined by the Local Authority and is in accordance with, and represents proportionately, the major denominations and faith groups in North Yorkshire. Members are identified in collaboration with the organisations and communities represented.

### Group B:

Two representatives nominated by each of the Diocese of York and the Diocese of Leeds.

### Group C:

Five teachers of religious education representing teacher associations. Preferably to include, a Primary, Secondary, Special School, Academy and Independent School representative.

Teacher associations recognised by North Yorkshire county council are:-

- Association of School and College Leaders (ASCL)
- National Association of Head Teachers (including Heads and Deputies) (NAHT)
- National Association of School Teachers & Union of Women Teachers (NASUWT)
- National Education Union (NEU)
- VOICE

### Group D:

Five elected Members of the County Council, as appointed by the County Council.

### Co-opted Members

Co-opted Membership of the North Yorkshire SACRE shall individually represent:  
Academic expertise in religious education.

The representative of the Corporate Director for Children and Young People's Service would initially make the approach, following discussion with the Chair, Vice-Chair and Professional Religious Education Adviser.

## **Terms of Membership**

All SACRE Members agree to follow the SACRE Code of Conduct, which emphasises that the prime focus of SACRE is to deliver its core aims.

Members are appointed by the Local Authority to SACRE for a period of four years, after which they will be reappointed or replaced. With this term of office, a Member who wishes to resign before the end of their four year term should do so in writing to the Clerk. The maximum time that a Member would normally sit on SACRE is eight years (two terms).

Members are free to resign at any point. Resignations should be made to the Clerk to SACRE and the representing body should be informed, so they can nominate a new representative to the Local Authority.

Co-opted Members have the same term of office as full Members. Co-opted Members are not entitled to vote.

If a SACRE Member does not adhere to the Code of Conduct, the Local Authority has a right to remove the SACRE Member.

## **What is the distinctive contribution of each Group?**

### Groups A and B:

- Should present a positive image of their religion, so that members of the other Groups are disabused of any religious stereotypes of each denomination or religion. They must also make clear any grounds on which they may differ from each other, but also the respect they have for each other's viewpoints – since such convictions and mutual understanding lie at the heart of effective classroom RE.
- Can create opportunities within SACRE meetings to raise awareness of issues of sensitivity in the teaching of RE to the children of their faith community.
- Should appreciate the difficulties schools are facing in the area, support their best endeavours, and act, where necessary, as a link between schools and the faith communities.

### Group C:

- Should have a real and positive interest in RE in primary, secondary or special schools.
- Should ensure that the needs of schools and teachers are considered by the SACRE in their discussions.
- Should provide the SACRE with information about the context in which RE is taught in the schools in the Local Authority.
- Should ensure that the associations they represent are informed about the work of the SACRE.
- Create opportunities for other teachers to learn more about the work of the SACRE and give them the opportunity to have their views expressed at SACRE meetings.
- Consult other teachers on matters of particular importance to the work of the SACRE.

### Group D:

- Can bring to the meeting the breadth of educational issues and concerns which elected Members are wrestling with and place RE's role within it.
- Can be the supporters of RE within the various Committees and structures of the Local Authority.
- Can give political support to enable locally determined RE to flourish within each Local Authority - financial support, advisory support, etc.
- Can appreciate the issues raised by a multi-faith, multi-cultural society for the education of children in RE and reflect these issues in the Schools Forum, Scrutiny Committee, etc., as a means of supporting RE.
- Can bring the 'public' dimension to the debate about RE provision and support.

## **Meetings**

There are no requirements for SACRE to meet for a certain number of times but meetings are held four times a year. More meetings may be scheduled if the business is considered to be urgent or requiring more discussion time than is possible in the regular meeting/s.

Meetings are arranged by the Clerk to SACRE. The dates for SACRE meetings are usually decided for the following year at the summer SACRE meeting.

The papers will be published on the North Yorkshire County Council website five clear working days before the meeting and, shortly following that, a link to the papers will be emailed to Members.

The Agendas for the meetings are agreed by the Chair and Professional RE Adviser to SACRE at Agenda setting meetings, which are held about one month prior to each SACRE meeting. These comprise the Chair, Vice-Chair, Professional RE Adviser, representatives from Children and Young People's Service and Legal and Democratic Services, including the Clerk.

Other SACRE Members may request items to be added to the Agenda. This will be at the discretion of the Chair. Items should be submitted at least two weeks prior to the date of the meeting.

To enable decisions to be made, the meeting must be quorate, with representatives from all four Groups present. Attendance at meetings is therefore very important.

The proceedings of SACRE are not invalidated on the grounds of a vacancy in the Group membership.

Meetings are open to the public but there may be some matters which will be considered in private. During such situations, members of the public will be asked to leave the meeting at this point. The circumstances under which we can consider matters in private are tightly controlled by law. The public must be excluded where it is likely that confidential information would be disclosed. Confidential information is defined as *information given to the Council by a Government Department on terms which forbid its public disclosure or information or which cannot be disclosed by Court Order*. Where exempt information is likely to be disclosed, there is the discretion to exclude the public. The categories of exempt information are:-

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

SACRE welcomes observers to the meetings, but observers are not entitled to speak at meetings, unless a request is made to the Clerk to SACRE, prior to the meeting [Patrick.Duffy@northyorks.gov.uk](mailto:Patrick.Duffy@northyorks.gov.uk)

The Chair has discretion to allow members of the public to speak and participate in the meeting where they feel this will help progress a particular item or matter.

Agendas and Minutes of SACRE meetings are published on the NYCC website. The draft Minutes will be made available to Members within two weeks of the meeting.

## Voting

For business generally, the SACRE aims to operate on a basis of consensus and, therefore, a formal vote will rarely be necessary.

On any question to be decided by the SACRE, its constituent Groups each have a single vote, but Co-opted Members do not have a vote. For any voting to take place, SACRE must be quorate, with representatives from all four Groups present at the meeting.

Decisions within an individual Group do not require unanimity. Each Group must regulate its own proceedings, including provision for resolving deadlock. If there is a tied vote of the four Groups (i.e. 2/2) Groups will be asked to reconsider, following further discussion. Only SACRE Members present at the meeting are eligible to vote.

In the event of the matter still being deadlocked, the Chair shall not have a casting vote and the matter will be declared a *non-decision vote*.

## Election of Chair and Vice-Chair

One month prior to the Autumn Term SACRE meeting, the Clerk will ask for nominations for Chair and Vice-Chair. Nominations should be received by the Clerk via email two weeks before the SACRE meeting. Candidates will be requested to produce a summary of the skills and experience they would bring to the role, which will be circulated prior to the meeting.

At the SACRE meeting, nominees will be invited to outline their reasons for wanting to take on the role of Chair. Members of Groups A, B, C and D shall vote individually for the election of a Chair. Members must be present at the meeting to cast a vote. The same procedure will be carried out for the position of Vice-Chair. The Chair and Vice-Chair should be representatives from different Groups, where possible. The maximum term of office for a Chair and Vice-Chair is 4 years in total.

To be nominated for Chair, the nominee must have been a member of SACRE for at least one year and attended at least three meetings.

NOTE: Where a SACRE meeting is held remotely, "must be present" means joining the remote meeting, rather than being physically present.

## How is the SACRE managed?

The Local Authority must adequately fund SACRE to enable it to carry out its statutory duties and to support high quality RE and collective worship in schools.

The Democratic Services role is one of administrative support for meetings; support for the Members and Chair and Vice-Chair; acting as a single point of contact; and governance advice and guidance.

The Local Authority can make the decision on how the Chair of SACRE may be appointed or it may allow the SACRE to choose the Chair from amongst their Members. In North Yorkshire, the latter approach is taken.

This SACRE is serviced by a Professional Religious Education Adviser from North Yorkshire's School Improvement Service, who:

- may advise the SACRE and Local Authority;
- ensure that the decisions of the SACRE are moved forward;
- oversees the monitoring of RE and collective worship in schools;
- oversees the development of the agreed syllabus and its implementation;
- offers support and advice to teachers and schools through training/consultancy
- writes the SACRE Annual Report, with the support of the Chair and Clerk

## **Complaints**

### County Councillors

All elected Councillors and voting Co-opted Members on Council Committees must comply with the Code of Conduct for Members when they go about their official duties. The Code states that Councillors must behave in certain ways, such as not treating others with disrespect. It also sets out the rules about registering and declaring interests. Further information on this and how to make a complaint are on the Council website. <https://www.northyorks.gov.uk/councillors-code-conduct>

### SACRE Members who are not County Councillors

The Corporate Complaints Procedure has two stages. In the first instance you should direct your complaint to the service you want to complain about. Staff will work to ensure complaints are responded to quickly and resolved at this stage wherever possible.

If you are not satisfied with the response you have received you can contact us to escalate your complaint through the two stages. However, if we feel that your complaint has been considered fully at an early stage and it would not be of benefit to either party to pursue internally, we will instead refer you to the Local Government Ombudsman. <https://www.northyorks.gov.uk/make-complaint>

Where concerns are raised by one member of SACRE regarding another Member, this will be referred to the Chair in the first instance, who will liaise with the Local Authority as to the most appropriate response.

## **The SACRE Annual Report**

SACRE is required to publish an Annual Report in the Spring Term. The draft report is prepared by the Professional Religious Education Adviser to SACRE, Chair and Clerk to SACRE and will be shared with SACRE Members for comment, before final approval.

The final report is shared with SACRE Members, all schools, the School Improvement Service and Council Members, as well as being sent to the Department for Education and NASACRE.

It will also be presented to the appropriate Council Scrutiny Committee.

## **What is an Agreed Syllabus Conference (ASC)?**

An ASC is convened in order to produce an agreed syllabus for RE. It is a separate legal entity from a SACRE.

Although a review of the locally agreed syllabus is required within five years of the last review, if the majority of the Groups on SACRE (other than Group D) ask the Local Authority in writing to reconsider its agreed syllabus it must convene a Conference for that purpose.

An ASC is a body appointed by the Local Authority according to the same structure as SACRE but the membership of one does not automatically mean membership of the other. The ASC may have wholly different membership to SACRE; a shared membership or be coterminous with SACRE. Co-opted Members of SACRE cannot be on the ASC as an ASC does not have the option to co-opt.

Voting is also different in that all Committees (not Groups as in SACRE) have to vote for a syllabus before it can be adopted. This must be unanimous.

The Chair of the ASC can be appointed by the Local Authority or the Local Authority may allow the ASC to choose its own Chair.

The Local Authority's responsibility to convene the ASC implies a duty to provide funds for its work.

## **Advice, guidance and determinations**

Advice and guidance is disseminated to schools by the Local Authority SACRE Officers.

The procedure if a school requests a determination is governed by legislation and the legislation is here:-

<https://www.legislation.gov.uk/ukpga/1996/56/part/V/chapter/III/crossheading/determinations-by-standing-advisory-councils>

## **Review**

The Constitution and Terms of Reference may be amended at any time at the discretion of the Local Authority, in consultation with the Corporate Director of Children and Young People's Services and such other persons as he/she thinks fit.

Legally, it is the responsibility of the Local Authority to write the Constitution but it requires approval of SACRE before it is changed

PD – June 2021

Ratified by SACRE on 22<sup>nd</sup> June 2021