

## LINCOLNSHIRE STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION (SACRE) - CONSTITUTION AND TERMS OF REFERENCE

### 1. Legal Framework, Rights and Responsibilities

#### Legal basis of Religious Education and Collective Worship in maintained schools.

The Local Authority has a duty to establish SACRE and Agreed Syllabus Conference (ASC) in accordance with the Education Act 1996.

Every maintained school in England must provide basic curriculum (RE, sex education and the National Curriculum). This includes provision for RE for all registered pupils at the school (including those in the sixth form), except those withdrawn by their parents (or withdrawing themselves if they are aged 18 or over) in accordance with Schedule 19 to the School Standards and Framework Act 1998.

The key document in determining the teaching of RE is the Agreed Syllabus. Schools designated as having a religious character are free to make their own decisions in preparing their syllabus. Local Authorities must ensure that the Agreed Syllabus for their area is consistent with Section 375 of the Education Act 1996, which requires the syllabus to reflect that the religious traditions of Great Britain are in the main Christian whilst taking account of teaching and practices of other principal religions represented in Great Britain.

#### The Agreed Syllabus

The locally Agreed Syllabus is a statutory syllabus of RE prepared under Schedule 31 to the Education Act 1996 and adopted by the LA under that schedule. It must be followed in maintained schools without a designated denomination. Once adopted by the LA, the Agreed Syllabus sets out what pupils should be taught and can include the expected standards of pupils' performance at different stages. Every locally Agreed Syllabus must reflect that the religious traditions of Great Britain are in the main Christian, while taking account of the teaching and practices of the other principal religions represented in Great Britain.

The law does not define what the principle religions represented in Great Britain are. Agreed Syllabus Conferences (ASC) can decide which are the principle religions represented in Great Britain, other than Christianity, to be included in their Agreed Syllabus.

Agreed Syllabus in any community school and any foundation, voluntary-aided or voluntary controlled school without a religious character cannot require RE to be provided by means of any catechism or formulary which is distinctive of a particular religious denomination.

This prohibition does not extend to the study of catechisms and formularies.

(Schools are not obliged to provide RE to pupils who are under compulsory school age (section 80(2)(a) of the Education Act 2002), although there are

many instances of good practice where RE is taught to these pupils. Separate legislative provision on RE is made for maintained special schools. Regulations covering maintained special schools require then to ensure that, as far as practicable, every pupil receives RE.)

## **2. Defined Terms/Acronyms**

RE	Religious Education
Agreed Syllabus members	The approved RE syllabus adopted by the LA Nominated and approved SACRE person eligible to vote
Other Persons	Any member of public eligible to join SACRE but does not hold voting right
Working Parties	A delegated group from within SACRE tasked with recommending solutions for SACRE work topics
Adviser	The LA's professional R.E. technical lead
Representative	The LA's professional representative from Children's Services
LA	The Local Authority known as Lincolnshire County Council.
SACRE	Standing Advisory Committee on Religious Education
ASC	Agreed Syllabus Conference

## **3. Duties**

The broad role of the SACRE is to support the effective provision of RE and Collective Worship in schools, to enrich the experience of RE and Collective Worship for all pupils.

A SACRE must:

1. advise the LA on RE in accordance with the Agreed Syllabus and on matters related to its functions, whether in response to a referral from the LA or as it sees fit;
2. publish an annual report on its work and actions taken by SACRE, specifying any matters on which it has advised the LA, broadly describe the nature of that advice, and set out reasons for offering advice on matters not referred to it by the LA;
3. send a copy of the report to the Qualification and Curriculum, Development Authority (QCDA);
4. meet in public unless confidential information is to be disclosed (such meetings at least three in each academic year, one in each autumn, spring and summer terms);
5. make minutes of its meetings available for inspection at the LA's offices (so far as minutes relate to the parts of meetings that were open to the public), and comply with requirements for public access to agenda and

reports for meetings as provided for by Section 391(1)(a) of the Education Act 1996.

6. Upon receipt of an application by a community school determine whether the requirement for Christian collective worship should apply to that school or any classes or description of pupils at that school.

A SACRE should:

1. monitor the provision and quality of RE taught according to its Agreed Syllabus together with the overall effectiveness of the syllabus;
2. provide advice and support on the effective teaching of RE in accordance with the locally Agreed Syllabus; provide advice to the LA and its schools on methods of teaching, the choice of teaching material and the provision of teacher training;
3. offer advice to the LA, and through the LA to schools, concerning how an agreed syllabus can be interpreted so as to fit in with a broad, balanced and coherent curriculum.
4. in partnership with its LA, 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 teaching and learning of RE.

A SACRE may:

1. require its LA to review the Agreed Syllabus and, if after discussion a vote is taken on this matter, the LA group on SACRE is not entitled to cast a vote. A majority decision by the three other committees is sufficient;
2. decide to advise the LA on matters related to its functions to the LA – equally, an LA may decide to refer matters to its SACRE;
3. co-opt members who are not members of the four groups – such co-opted members may provide educational expertise, young peoples' views or religious and non-religious views that reflect a diverse multi-cultural society;

#### **4. Membership**

Lincolnshire SACRE shall consist of representative members appointed by the LA and comprising four groups to represent respectively:

1. Committee 'A': such Christian and other religious denominations as will appropriately reflect the religious traditions in the LA;
2. Committee 'B': the Church of England;
3. Committee 'C': such associations representing teachers as, in the opinion of the LA, ought, having regard to the circumstances of the County Council, to be represented;
4. Committee 'D': the LA: to be politically balanced; the representatives to be appointed by LA.

The membership of the SACRE should be annually reviewed and all members of Lincolnshire SACRE should have an interest in education in general and religious education in particular and must either live, work, or worship in Lincolnshire.

## **5. Composition**

The composition of the groups shall be as follows:-

Committee 'A' – Religions and religious denominations in the area (other than Church of England). – up to 10 members

Committee 'B' Church of England – up to four members

Committee 'C' Teachers representing unions in Lincolnshire – four teacher members, who may be head teachers or assistant teachers

Committee 'D' The LA – Four representatives of the Lincolnshire County Council, at least two of whom shall be elected members of Lincolnshire county Council

Representatives should be nominated in accordance with Principles of Representation on LA SACRE (see Appendix A). Each representative group within LA will be responsible for the method of electing their representatives and be responsible for whom they nominate to represent them on the SACRE.

## **6. Co-opted Members**

Other persons may be co-opted by the representative groups on the SACRE for such purposes and such length of time as representative groups on the SACRE shall decide. Co-opted members may resign at any time and may be removed by the representative groups at any time or the LA. Co-opted members shall have no voting rights.

## **7. Working Parties**

SACRE may appoint members to Working Parties which may include non-members with expertise to contribute. The terms of reference of a Working Party will involve exploratory work leading to recommendations rather than decision making. The composition of a Working Party will normally include members from all groups.

## **8. Chair and Vice Chair**

The Chair and Vice-Chair of the SACRE shall be elected annually by the representative members of the SACRE at the first meeting to be held after September each representative member having one vote (see Appendix B for election procedure).

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The Chair and Vice-Chair will be appointed from members of Committee A, B, C and D. If there is more than one candidate the candidate receiving the most votes shall be elected. The previous Chair shall, in the case of a tied vote, have a casting vote.

Persons continuing to be members of the SACRE are eligible for re-appointment to the position of Chair or Vice Chair.

In the absence of any nominations for the Chair, an executive group shall be elected to lead SACRE.

The prime duties of the Chair, supported by the Vice-Chair are:

- Management of SACRE meetings and finances.
- Representation of LA SACRE to other bodies (e.g. LA, NASACRE), and
- Any other matter agreed by SACRE.

## **9. Adviser**

The specific responsibilities of the Adviser to the SACRE are:

- provide advice to the SACRE and any sub committees on professional issues but are not members of the SACRE and cannot vote.
- advise and update SACRE members on any new government guidance or policy documents; and
- support the SACRE to carry out its role of monitoring and supporting schools with the delivery of RE and Collective Worship. This role to be reviewed annually.

## **10. Voting Procedures in SACRE**

On any issue to be decided by the SACRE, except as provided in Section 8 paragraph 2 only the four representative groups shall be entitled to a vote and each group shall have a single vote. Individual representative members cannot vote separately. Co-opted members are not entitled to vote.

Issues shall be decided by a simple majority vote. There shall not be a casting vote. If there is a tied vote no action shall be taken on the issue and the existing position shall continue.

## **11. Voting Procedures within Representative Groups**

Before any representative group casts its single vote on any issue to be decided by the SACRE it shall meet to discuss the issue. The decision of the

representative group shall be determined by a simple majority vote in which each member of the group has one vote.

Issues shall be decided by a simple majority vote. There shall not be a casting vote. If there is a tied vote the group shall abstain from voting on the issue in SACRE.

## **12. Quorum**

Meetings of the SACRE shall be quorate when at one (1) representative member from each of the four (4) representative groups is present. If the meeting is not quorate, the meeting could continue but decisions would have to be ratified at the next SACRE meeting. A Working Party meeting does not constitute a formal SACRE meeting.

## **13. Term of Office of Representative Members**

The representative members shall hold office until such members' terms of office (generally being four (4) years) come to an end or they resign or they become otherwise ineligible for membership. When a vacancy does arise the LA must attempt to appoint a replacement member to the SACRE to represent the same group as the retiring member.

Representative members may resign at any time.

Interests, whether personal or prejudicial, should be declared. If a member has a prejudicial interest they should declare that interest and withdraw from the meeting and taken no part in the decision.

Members or co-opted members who fail to attend three consecutive meetings without a satisfactory explanation will have their membership reviewed by the SACRE. The Local Authority may remove any representative or co-opted member that has failed to attend three consecutive meetings without valid reason.

## **14 Agenda**

Matters for the Agenda of any meeting shall be sent to the Clerk at least 21 days in advance of the meeting. The Agenda shall be distributed to reach members at least 7 working days in advance of the next listed meeting. Information should be sent at least electronically.

The agenda for SACRE meetings, with the exception of the first meeting of a newly constituted SACRE, will be determined by a working group comprising of Chair, Adviser and LA representative.

## **15. Minutes**

The draft minutes of meetings shall be circulated to Members as soon after the meeting as possible to ensure actions are taken. Minutes will also be re-sent no later than one week before the meeting takes place. Information should be sent at least electronically.

## **16. Meetings and Validity of Proceedings**

The validity of any proceedings of the SACRE or any of representative group within the SACRE shall not be affected by any vacancy amongst representative members.

The LA's Learning Director for Children and Young People's Service or anyone nominated by her/him shall be entitled to be present through the proceedings of the SACRE and shall be entitled to give advice as she/he thinks appropriate.

## **17. Administrative and Financial Arrangements**

The LA shall provide:

- 1) A person to act as Clerk to the SACRE, and
- 2) Accommodation for the meetings of the SACRE

SACRE must also:

Monitor the use of funds provided by the LA for its activities, and

Recommend how revenue, if any, generated by its activities should be managed and used.

## **18. Disputes and Complaints**

The SACRE is intended to be a collaborative, co-operative body and needs to ensure that no particular sector or member is unduly favoured. Problems and issues should normally be debated and resolved at the SACRE meetings. However, if parties feel that these have not been resolved, the following process should be followed and minutes taken:

- Stage 1: The parties who are in dispute meet with the Chair of the SACRE, LA Representative and the Adviser who will assist in finding or recommending a solution.
- Stage 2: A special meeting of the SACRE is convened, with papers prepared by the parties representing different views. The Chair, LA Representative and the Adviser also prepare a paper offering possible options for resolution. If the problem is not resolved, the dispute is referred to Stage 3.
- Stage 3: If the issue is not resolved then guidance or clarification will be sought from the relevant Government Department.

Complaints from members of the public will be handled by Lincolnshire County Council's Complaints Procedure.

## **19. Confidential Business**

Report authors are responsible for informing the Clerk, in advance, of the status of documentation and/or reports to be included on the Agenda and if they contain confidential or commercially sensitive information, and with such items of business, the principles of the Local Government (Access to Information) Act 1985 will apply. Reports that are to be treated as confidential should be marked accordingly and contain the appropriate confidentiality clause.

Where an item of business before Lincolnshire SACRE is marked as confidential, that item will be discussed in private. The Adviser to Lincolnshire SACRE may attend and speak at the SACRE meetings on consideration of all matters considered in private. Members of the public and observers (including other elected LA Members or officers of the LA) shall be excluded from the consideration of any confidential item.

## **20. Freedom of Information**

Request for information under the Freedom of Information Act 2000 will be handled in accordance with the Council's published procedures for dealing with such requests.

Any member of the LA SACRE receiving a request under Freedom of Information Act will be required to pass that request to Democratic Services and marked for attention of the Clerk to SACRE within 24 hours of receipt of that request in order that the LA may deal with that request within the 20 working day time limit.

Where a request has been made for the disclosure of information covered by a qualified exemption under the Freedom of Information Act 2000 (or other relevant information), the Chair of the SACRE will be either be invited to attend a meeting or requested to provide written representations on behalf of SACRE as to the potential disclosure, but the decision as to disclosure rests with the LA. If the Chair is unable to attend the meeting or fails to make representations the request will be dealt with by the LA at their discretion. Where the LA decides that the balance of interest is in disclosure of the information requested the LA will arrange for disclosure. Where the LA decides that the balance is in favour of non-disclosure of the information requested, the information will be withheld and the LA will arrange for the reasons to be communicated in writing. Such decisions will be made after taking appropriate legal advice and in accordance with the LA's published policies and procedures.

## **21. Code of Practice**



Members of Lincolnshire SACRE will operate in accordance with the Local Code of Conduct for Members. SACRE members are therefore required to sign a declaration in respect of the Code of Conduct and also complete a Register of their Interests.

Interests, whether personal or prejudicial, should be declared. If a member has a prejudicial interest they should declare that interest and withdraw from the meeting and take no part in the decision.

## **22. Overview and Scrutiny**

The Lincolnshire SACRE and its members will co-operate with any reasonable request by the LA in respect of its overview and scrutiny functions under Section 21 Local Government Act 2000. Any requests for information or attendance of SACRE members at the relevant overview and scrutiny committee will be made as soon as possible and generally at least 7 days before the meeting

## **23. APPENDIX A**

The following principles of representation shall be applied to the following groups:

Christian denominations and other religions

- 1) This group should reflect the variety and numerical representation of different faith groups in the LA. Representatives should have the support of their faith community in Lincolnshire.
- 2) The representative should, as far as possible, be nominated by the appropriate local faith group. In circumstances where this is not possible, representatives should be nominated by the appropriate national organisations, district, town or city committees, or by a senior member of a local faith community.
  - In some circumstances it may be appropriate to consult with more than one committee in order to receive a nomination (eg where there are no countywide committees, but there is more than one local committee with only one SACRE member for that faith group).
- 3) In circumstances where faith groups have countywide education committees, they should be the nominating group for SACRE members.

Church of England

- 4) The Diocesan Boards of Education for Lincoln Diocese should nominate these representatives.

Teacher Representatives

The six teaching professional associations recognised by the LA should each nominate one representative.

The LA

The full membership of the County Council should nominate these representatives.

## **24. Appendix B**

Process for election of Chair and Vice Chair of SACRE

- Nominations to be in writing by the end of the summer term to the clerk to SACRE
- People can nominate or express interest themselves in the post from any committee
- Voting will take place at the first meeting of the autumn term, as soon after September as possible, provided there is a quorum
- Voting will be by secret ballot on paper and counted by the non voting members of SACRE ie the LA representative and Adviser
- In the event of a tie, re-voting will continue until one person receives a majority vote
- Outcomes of the vote will be announced at the meeting