

Open report by Pete Moore, Executive Director for Finance and Public Protection

Report to:	Councillor Mrs P A Bradwell OBE, Executive Councillor for Adult Care, Health and Children's Services
Date:	Between 01 - 08 May 2019
Subject:	Nomination of Representative to Committee A of Standing Advisory Council on Religious Education "SACRE"
Decision Reference:	I017962
Key decision?	No

Summary:

To seek the approval of the Executive Councillor for Adult Care, Health and Children's Services on a matter relating to the membership of SACRE.

Recommendation(s):

That Committee "A's" (Religious and religious denominations in the area (other than Church of England) nomination of Claire Simons, from the Salvation Army, to fill a vacancy on Committee "A", on SACRE, following the resignation of Neville McFarlane, be approved.

Alternatives Considered:

Not to appoint the nomination on SACRE leaving a vacancy on Committee A and the need to seek alternate nomination to meet the principles of representation detailed in SACRE's Constitution for the appointment representatives to Committee "A". (See Appendix B).

Reasons for Recommendation:

It is necessary to meet the requirements of SACRE's Constitution and the requirements of the Education Act.

1. Background

With regard to the nomination of representatives to vacancies on Committee "A", Claire Simons, from the Salvation Army, has been nominated by Committee "A", to

fill one of the vacancies on Committee "A". Committee "A" comprises up to 10 members of religions and other religious denominations in the area (other than Church of England). There are currently six Christian denominations, one Islamic denomination and one Hindu denomination. According to the SACRE Constitution (paragraph 4.1) Committee A representative members need to "reflect the religious traditions in the LA" ("LA" being Lincolnshire County Council area). Approval of the nomination of a representative from the Salvation Army will be consistent with achieving the requirements of the said paragraph 4.1 in "reflecting religious traditions in the LA".

Claire Simons has, in accordance with the SACRE Constitution and Terms of Reference for SACRE, the support of the local faith group, the Salvation Army, and was initially proposed by that local faith group to Committee A, which Committee A has now further supported that in nomination for appointment.

The proposed appointee for Committee A also meets the requirement of paragraph 4 of the SACRE Terms of Reference which states "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. Claire Simons meets all three.

The two remaining vacancies on Committee "A" will be considered by Committee "A" as soon as possible.

The SACRE Terms of Reference require that the membership should be annually reviewed. The next such general review of the membership is scheduled to take place at the AGM of SACRE in the autumn of 2019.

2. Legal Issues

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- *Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act

- * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

- *Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- *Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic

- *Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it

*Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

The recommendation has no equality impact as the remit of the SACRE prohibits inequality which would go against its remit, moral and ethical purpose.

Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Well Being Strategy (JHWS) in coming to a decision.

The proposed recommendation has no immediate effect on the JSNA or the JHWS.

Crime and Disorder Act 1998

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

The teaching of religious education in schools can help to foster tolerance and understanding between different communities and this could help to prevent anti-social behaviour.

3. Conclusion

Committee "A" have nominated Claire Simons, whose appointment is supported by the Salvation Army, to fill the vacancy on Committee "A", in accordance with the

principles of representation for Christian denominations and other religions in the Lincolnshire County Council area.

4. Legal Comments:

Provided the requirements of the Constitution for SACRE have been followed in reaching a nomination, it is within the remit of the Executive Councillor for Adult Care, Health and Children's services to approve such nomination for appointment to SACRE and provided further such decision is consistent with the Policy Framework and the Budget.

5. Resource Comments:

There are no material financial implications arising from the acceptance of the recommendation in this report.

6. Consultation

a) Has Local Member Been Consulted?

N/A

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

This has not been considered by a scrutiny committee.

d) Has a Risks and Impact Analysis been carried out?

N/A

Appendices

These are listed below and attached at the back of the report:-

Appendix A - Membership of SACRE – Extract from the SACRE's Constitution

Appendix B - Principles of Representation – Extract from SACRE's Constitution and Terms of Reference Christian Denominations and Other Religions

7. Background Papers

The following background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report –

SACRE Constitution and Terms of Reference.	Democratic Services
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