

Slough Borough Council

Report To: Standing Advisory Council on Religious Education (SACRE)

Date: 2 November 2023

Subject: Review of the SACRE Membership

Chief Officer: Stephen Taylor, Monitoring Officer, Governance & Scrutiny

Contact Officer: Vani Chenganna, Senior Lawyer

Ward(s): All

Exempt: NO

Appendices:

1. Summary and Recommendations

- 1.1 This report considers whether a recommendation should be made to the Council for a representative with no religious belief, such as a humanist, to be appointed to join Committee 1, in the light of a recent High Court decision.

Recommendations:

The Committee is asked for its views on whether Council should be asked to appoint a humanist to join Committee 1 as a full voting member.

Reason:

To give SACRE the opportunity to consider the matters set out in the report following previous discussions and the recent High Court decision.

Commissioner Review

[Sign off from the Commissioner(s) is required for all reports and any comments are to be recorded in the report (note – commissioners sign off is not normally needed for reports to Planning, Licensing, Slough Wellbeing Board, SACRE and Corporate Parenting Panel. Please check with the democratic services officer). Commissioners must have reports one week before agenda publication to sign off. Legal and finance must have signed off reports before being sent to Commissioners.]

2. Report

Background

- 2.1 There were discussions at previous meetings on 3 March 2023 and 17 June 2023 as to whether there was any scope to propose the expansion of Committee 1 in order to include representatives from non-religious groups and if so, whether the Terms of Reference needed to be amended and whether a report needed to be sent to the Council for approval.

2.2 According to the Terms of Reference, Committee 1 is comprised of 12 members who represent the following faith groups:

- The Free Churches (1)
- The Black Free Churches (1)
- The Roman Catholic Church (1)
- Hinduism (1)
- Islam (4)
- Judaism (1)
- Sikhism (2)
- Baha'is (1)

2.3 According to the 2021 Census, the denominations and the number of adherents in Slough were as follows:

Based on the 2021 Census for Slough	
Denominations	Adherents
Christian	50,664
Muslim	46,661
No religion	20,726
Sikh	17,985
Hindu	12,343
Buddhist	776
Other religion	716
Baha	8
Jewish	85
Humanist	6

2.4 As stated above, 6 residents consider themselves to be humanists.

2.5 A humanist is already a co-opted member who participates in discussions.

3. Implications of the Recommendation

3.1 *Legal Framework*

3.2 The Education Act 1996, s 390(4) requires that the membership of SACRE must consist of 4 groups as follows:

- Group A must include representatives from Christian denominations and other religions and denominations of such religions which appropriately reflect the principal religious traditions in the area.
- Group B must include representatives of the Church of England
- Group C must include representative of an association of teachers.
- Group D must include representatives from the local authority.

The number of representative members should be based on the proportionate strength of that denomination or religion in Slough area¹.

- 3.3 The SACRE may also include co-opted members in line with the Education Act 1996 s 390(3) and (7) but they have no voting rights. Each representative group has a single vote.
- 3.4 The issue whether other religions include non-religious beliefs was considered by the High Court on 26 May 2023 in the case of **Bowen v Kent County Council**². The High Court held that it is for each local authority to consider whether the beliefs attain a certain level of cogency, seriousness, cohesion and importance so as to merit consideration at all, irrespective of whether the belief system is religious or non-religious. Humanism is well recognised as a belief which should be afforded equal treatment. Whilst religious education will remain predominantly based on religion rather than non-religious beliefs, the local authority needs to ensure that the number of non-religious belief holders is reflective of the extent of the non-religious belief content required within the syllabus. It does not need to be rigidly dictated by the proportion of people with a particular non-religious belief in the local area. It does not follow that any and every non-religious belief need to be treated similarly and it is ultimately for the local authority to exercise its discretion when determining who to appoint to ensure consistency with the efficient discharge of the group's functions.
- 3.5 The High Court, thus, held that a decision not to appoint a person simply because they hold non-religious beliefs is likely to be discriminatory and unlawful in circumstances where the data shows that the number of residents holding a particular non-religious belief is high and the non-religious is already included in the syllabus. It is understood that humanism is already included in 91% of syllabuses.

4. Conclusion

- 4.1 A person of no-religion or a humanist will not qualify to join Committee 1 as of right, in the light of the High Court judgment, but the Council is not obliged to approve the appointment of a humanist to join Committee 1 simply because they are a humanist. The Council is entitled to take into account the relative numbers of humanists in the Borough and may also wish to look at whether to encourage membership from other denominations in the Borough who may have a greater representation in the Borough.
- 4.2 It was previously proposed that Committee 1 should be widened to include beliefs on the basis that this would cover non-religious beliefs. Consideration needs to be given to the extent to which the syllabus includes non-religious content and whether it is appropriate to include a humanist to Committee 1 to ensure consistency with the efficient discharge of the group's functions.
- 4.3 If a decision is made to appoint a humanist to join Committee 1, the Terms of Reference will need to be amended in the first instance and a report must be sent to the Council for approval to amend the Terms of Reference and to approve the appointment of the humanist to Committee 1.

5. Background Papers None.

¹ Education Act 1996, s 390(6).

² [2023] EWHC 1261 (Admin)