



NOTICE OF MEETING

**Standing Advisory Council on Religious Education
Thursday 10 November 2011, 5.00 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell**

To: The Standing Advisory Council on Religious Education

Gordon Anderson, Church of England
Paula Ridgway, The Free Churches
One Vacancy, The Free Churches
John Baildam, The Free Churches
Anne Gibbons, Catholic Diocese of Portsmouth
Carol Nicholls, Catholic Diocese of Portsmouth
Kusum Trikha, Hindu faith
Joel Roszykiewicz, Buddhist faith
Rabbi Zvi Solomons, Jewish faith
Arfan Rashid, Muslim faith
Ranjit Bilkhu, Sikh Community
One Vacancy, Church of England
David Fawcett, Church of England
Julie Mintern, Church of England
Councillor Andy Blatchford, Bracknell Forest Council
Councillor Dr Gareth Barnard, Bracknell Forest Council
Councillor Mrs Dorothy Hayes MBE, Bracknell Forest Council
Councillor Peter Heydon, Bracknell Forest Council
Councillor Clifton Thompson, Bracknell Forest Council
Felicity Allen, Associations Representing Teachers (NASUWT)
Madeline Diver, Associations Representing Teachers (VOICE)
Colin Hickson, Associations Representing Teachers (NUT)
Samantha Hunt, Associations Representing Teachers (ATL)
One Vacancy, Associations Representing Teachers (NAHT)
One Vacancy, Associations Representing Teachers (SHA)
Dr Kathy Hadfield, Co-opted Member/Rev Michael Bentley, Co-opted Member
ALISON SANDERS
Director of Corporate Services

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If you require any further information, please contact: Priya Patel
Telephone: 01344 352233 E-mail: priya.patel@bracknell-forest.gov.uk

**Standing Advisory Council on Religious Education
Thursday 10 November 2011, 5.00 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell**

AGENDA

Page No

1. **Welcome, Introductions and Opening Prayer/Thought for the Day**
2. **Apologies for Absence**
3. **Election of Chairman**
4. **Appointment of Deputy Chairman**
5. **Minutes of the Meeting held on 7 July 2011**
To approve as a correct record the minutes of the meeting of the
Committee held on 1 - 6
6. **Matters Arising not Already on the Agenda**
7. **SACRE Membership**
(a) resignations and vacancies 7 - 12
(b) Humanist request
8. **Resources Centre and Artefacts Report/Update**
9. **The Monitoring of RE and Collective Worship in Bracknell Forest
Schools - Report and Update**
10. **School RE Examination Results 2010 - Review**
11. **Curriculum Review and EBacc Developments - Update**
12. **Review of Collective Worship in Schools**
13. **SACRE Annual Report**
14. **RE Trails in Bracknell Forest - Update**
15. **Any Other Business**
16. **Dates of Future Meetings**
Thursday 8 March 2012
Thursday 5 July 2012
Thursday 8 November 2012

BRACKNELL FOREST AGREED SYLLABUS CONFERENCE

Meeting to follow on immediately after the meeting of SACRE on 10

November 2011.

Agenda

1. Welcome
2. Confirmation of Nomination and Appointment of Members
3. Election of Chairman
4. Apologies for Absence
5. Coordinated Working Groups – Report on Progress
6. Meeting Schedule of the ASC
7. Confirmation of Approval Process and Timing
8. Date of Meeting for Final Approval of the New Agreed Syllabus
(15 May 2012)

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**STANDING ADVISORY COUNCIL ON
RELIGIOUS EDUCATION
7 JULY 2011
5.00 - 6.35 PM**

Present:

Felicity Allen, Associations Representing Teachers (NASUWT)
Councillor Dr Gareth Barnard, Bracknell Forest Council
Maureen Beadsley, Church of England
Councillor Andy Blatchford, Bracknell Forest Council
Madeline Diver, Associations Representing Teachers (VOICE)
David Fawcett, Bracknell Forest LEA
Anne Gibbons, Catholic Diocese of Portsmouth
Kathy Hadfield, Co-opted Member
Councillor Peter Heydon, Bracknell Forest Council
Colin Hickson, Associations Representing Teachers (NUT)
Samantha Hunt, Associations Representing Teachers (ATL)
Julie Mintern, Church of England
Carol Nicholls, Catholic Diocese of Portsmouth
Paula Ridgway, The Free Churches
Joel Roszykiewicz, Buddhist faith
Councillor Clifton Thompson, Bracknell Forest Council

In Attendance:

Ms Jo Fageant, Oxford Diocese
Bob Welch, Chief Advisor

Apologies for absence were received from:

Priya Patel
Gordon Anderson, Church of England
John Baidam, The Free Churches
Rev Michael Bentley, Co-opted Member
Councillor Mrs Dorothy Hayes MBE, Bracknell Forest Council
Martin Surrell, Bracknell Forest Council

MAUREEN BEADSLEY IN THE CHAIR

183. Minutes of the Meeting held on 10 March 2011

The minutes of the meeting held on 10 March 2011 were agreed as a correct record.

184. Matters Arising not already on the Agenda

Minute 176: SACRE Budget – The £1,500 budget was confirmed for the current year and additional funding was available to finance the review of the locally agreed syllabus.

Minute 181: NASACRE Conference – For Information – Jo Fageant reported that she had been re-elected on NASACRE and that she was shadowing the Secretary with a view to take on that responsibility.

185. SACRE Membership

The Chairman reported that the following vacancies existed and that each organisation should be approached to nominate a successor:

The Free Churches - It was suggested that Easthampstead Baptist Church should be approached about providing a representative.

Associations Representing Teachers (NAHT) – It was noted that all schools should be contacted about the vacancy.

Associations Representing Teachers (SHA) – As above.

Jo Fageant noted that both Gordon Anderson and Maureen Beadsley would be stepping down as Church of England representatives on SACRE creating two further vacancies.

186. Bracknell Forest Faith & Belief Forum Launch Report - 8 June 2011

Members of SACRE had not been sent a copy of the full report as it does not mention Religious Education but an Executive Summary had been circulated by email. Michael Bentley had represented SACRE at the Forum and Joel Roszykiewicz had attended meetings and the launch event.

The report listed the people interviewed and the focus groups. The research had been commissioned by Bracknell Forest Council under the 'Prevent' agenda and Abby Thomas, Head of Community Engagement and Equalities, had been unable to attend but would be happy to return to a future SACRE meeting.

Members noted that the Executive Summary details identified concerns and the recommendations relating to schools were:

- Recommendation (2) Ensuring Primary and Secondary Schools have the capacity and skills to incorporate new Nepalese pupils
- Recommendation (5) Bracknell Forest will need to respond to the continuing demand for English as a second language in schools, colleges and in the wider community.
- Recommendation (14) A number of faiths have major resources, educational and other facilities in the Borough and efforts should be made to further engage and involve them in local forums and activities.

Members of SACRE were struck by the number of faith groups represented in Bracknell Forest and it was noted that community cohesion could not be taken for granted. It was agreed that Abby Thomas would be asked to attend the November meeting to give a presentation on the findings.

Copies of the guide to respecting and understanding the diverse Faith and Belief communities in Bracknell Forest were passed around the members present. Copies could be obtained from BFVA. A pdf of the document had been sent to all schools, doctors surgeries and members of SACRE. An update form was included in the

document to report any changes or errors in the information publicised so that these could be amended promptly.

187. Resources Centre and Artefacts Report/Update

Bob Welch reported that there had been four loans by three schools since the last meeting and that the artefacts remained in good condition.

SACRE discussed the proposal to extend access to the artefacts to schools outside of the borough for a charge. It was agreed that procedures would be developed and brought back to a future meeting and that the availability would not be advertised but would be promoted through word of mouth. SACRE agreed that Bracknell Forest schools should have priority and that once administration costs had been covered the additional funds would be used to replenish the resources especially for the very popular resources such as for the Sikh religion.

188. The Monitoring of RE and Collective Worship in Bracknell Forest Schools - Update

Bob Welch reported that the responses from the survey were still to be formatted into a report for SACRE's consideration but included a diverse range of comments which were influenced by the exclusion of Religious Education within EBacc (Item 9). The survey replies indicated that RE provision in the borough was considered to be satisfactory to good or good with room for improvement. The responses demonstrated the passion that RE teachers have for their subject and requested a revision to the list of speakers.

SACRE discussed their responsibility to monitor Collective Worship and how this was defined in Circular 194, how schools interpreted the advice and it was noted that strong requests had been made for this guidance to be reviewed.

189. Curriculum Review and EBacc Developments - Update

Members present discussed their continuing concerns about the absence of Religious Education from the English Ebacc. It was reiterated that EBacc was a performance measure and not an actual qualification. There are currently no arts or technologies in the EBacc. This was of significant concern to members of SACRE as it was felt this would impact upon the number of pupils choosing to learn RE and therefore the numbers of teachers specialising in the subject.

Jo Fageant explained that additional subjects would squeeze an already full academic timetable and that some schools ignore their statutory duty to offer the subject. She added that whilst ministers were 'enthusiastically supportive' of RE it was unlikely to be included.

Bob Welch explained that Head teachers needed to reflect the needs and aspirations of young people but the message to pupils should be that if they are good at something then they should pursue it. Members present noted the influence of parents on subject selection.

190. Locally Agreed Syllabus Review Outline Plan 2011-2012

Jo Fageant confirmed that both Slough SACRE and Reading SACRE would participate in the Locally Agreed Syllabus Review. Her report from the Berkshire Joint SACRE's conference would be circulated to all members once it was completed. It

was noted that the review ran in parallel to the national review of the curriculum and it was essential that this contributed to the process.

Analysis of Bracknell Forest teachers' comments would be circulated and they contained diverse ideas on the current syllabus with suggestions on improvements which ranged from slimming down the document to increasing detail in order to support inexperienced teachers. It was proposed that it could be split into mandatory and support material. It was also noted that the syllabus was reviewed five years ago and that some felt it was too soon for any significant changes.

The next stage in the process would be for the Agreed Syllabus Conference on 7 or 14 September to agree key principles. This would be followed by a series of teacher working groups during the Autumn. The next meeting would be held at the end of the next SACRE meeting in November.

Membership of the Locally Agreed Syllabus Review could be the same as SACRE as the composition was the same however each organisation would have to decide who they wanted to be represented by and formally appoint them. In addition nominations needed to be sought for teacher representation for each Key Stage working group.

191. RE Trails in Bracknell Forest - Update

The Chairman reported that no further information had been received from members on the local places of religious interest therefore no progress had been made since the last meeting.

192. Berkshire Joint SACRE's Conference - 28 June 2011

Ranjit Bilkhu, Madeline Diver, Jo Fageant and Paula Ridgway attended the Berkshire Joint SACRE's Conference on 28 June 2011. Paula Ridgway apologised that she had not reported Ranjit's attendance previously. The conference report would include a link to West Berkshire web pages where up to date information would be posted.

193. Any Other Business

Thank you

As this would be her last meeting, the members present thanked Maureen Beadsley for her contribution to Religious Education in the borough both as an RE teacher and as a founder member of SACRE.

Maureen Beadsley thanked colleagues she had worked with on SACRE and in particular thanked Martin Surrell, Jo Fageant and Priya Patel.

In his absence, members present thanked Gordon Anderson for his Chairmanship of SACRE since its creation in 1998 and for all his hard work for the Standing Advisory Council over this period.

194. Dates of Future Meetings

Thursday 10 November 2011

The three proposed dates would be confirmed at the next meeting:

Thursday 8 March 2012

Thursday 5 July 2012

Thursday 8 November 2012

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Agenda Item 7

Email message received on 16 September 2011

Dear Mr Anderson,

I am emailing you to ask if you would grant full membership to, or at least co-opt, a humanist representative to Committee A of your SACRE.

As you may be aware, in January 2010 the government published *Religious Education in English Schools: Non-statutory Guidance 2010* which solidified many positive improvements that have been made in recent years. Importantly, it deleted the explicit prohibition on humanists serving as full members of SACREs and Agreed Syllabus Conferences (ASCs), which had appeared in the previous guidance (*Circular 1/94*). It also observed that SACREs could co-opt members to represent non-religious views (p.13) and noted how this could be done in the interests of inclusion (p.21).

Following on from this, we believe that humanists should be full members of Committee A, and have obtained legal advice which confirms that it is illegal to refuse humanists such admittance. I append a summary of that advice to this email (the full advice is available upon request), but in brief, the Human Rights Act sections 3 and 6 and the Equality Act 2006 section 52, when read together, mean that references in law to 'religions' should be read as 'religions and beliefs'.

With regards to RE syllabuses the 2010 guidance also reaffirmed the government's view that RE should examine both religious and non-religious perspectives. It noted that:

- 'Religious education provokes challenging questions about the ultimate meaning and purpose of life, beliefs about God, the self and the nature of reality, issues of right and wrong, and what it means to be human. It can develop pupils' knowledge and understanding of Christianity, of other principal religions, other religious traditions **and worldviews** that offer answers to questions such as these' (p.7).

The Government had already set out that RE should examine non-religious perspectives in:

- the new secondary curriculum published in 2007, which noted that RE should study a 'secular world view' (p.7 of the KS3 programme of study)
- the new RE programme of learning for the primary curriculum published in September 2009, which recommended that 'over the primary phase as a whole, children should draw on both religious **and non-religious world views**' (p.2)
- the 2004 national framework for RE, which recommended that there should be 'opportunities to study secular philosophies such as **humanism**' (p.14). The framework was endorsed by a wide range of RE professional and religious groups, including the Church of England, the Catholic Education Service and the Muslim Council of Britain.

We are emailing all those SACREs in England that do not currently have a humanist representative on their Committee A, to urge them to admit one. We believe the new guidance has removed any sound reason that SACREs may have had about not admitting a humanist, while we believe there are compelling reasons why you should admit one, whether as a full or co-opted member of Committee A.

Firstly, given that non-religious views should be taught in RE lessons, it follows that humanists should have a role in monitoring how their views are taught. This is a right only extended to religious representatives. Admitting a humanist will ensure that your SACRE is both inclusive and also acting fairly.

Secondly, the addition of a humanist will make a positive contribution to the work of your SACRE and help ensure that the RE in your area remains broad and accurate. Humanists have had a long history of contributing towards and improving RE. The British Humanist Association has been a member of the Religious Education Council for over thirty years, while some of our representatives have served on SACREs throughout this period with distinction, including as Chairs and Vice-Chairs of both SACREs and ASCs.

Thirdly, we question the legality of excluding a humanist, as the appended advice corroborates.

We hope that you will agree that your SACRE should admit a humanist representative as a full member and we would be very happy to help find a suitable humanist for you if you are not already in touch with one. If you would like any more information or would like to explore how to find a humanist to nominate please contact me by email or on 020 7462 4993.

Periodically we discover SACREs that have appointed a humanist representative by going through a local humanist group. If you have already granted full or co-opted membership to a humanist we would be very grateful if you could let us know so we can update our records accordingly. We would also be grateful if we could have their contact details so we can send them useful material. Again please contact me with any of this information.

Yours sincerely,

Richy Thompson
Campaigns Officer (Faith Schools and Education)
British Humanist Association

Humanist membership on a SACRE:

The legal situation

Not only is the extension of full membership of SACREs and ASCs to include humanists required on educational grounds: it is also what the law demands.

The present guidance (*Religious Education in English Schools: Non-statutory Guidance 2010*) fails to fulfil the Department for Education's (DfE's) obligations under the Human Rights Act sections 3 and 6 and the Equality Act 2006 section 52.

The latter prohibits the DfE from doing "any act which constitutes discrimination", and the exception at subsection (4)(k) plainly does not apply to membership of SACREs and arguably not to the scope of the syllabus.

More particularly the Human Rights Act at section 6 prohibits the DfE from "act[ing] in a way which is incompatible with a Convention right". By virtue of reading Article 9 with Article 14, this encompasses discrimination between religions and beliefs.

Moreover, section 3 positively requires that "so far as it is possible to do so, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with the Convention rights." That this section needs to be given a wide and powerful interpretation has been underlined by the House of Lords (*Ghaidan v. Godin-Mendoza (FC)* [2004] UKHL 30)^[1].

However, to bring the law on RE and on membership of SACREs and ASCs into compatibility with the European Convention on Human Rights requires no serious or violent re-interpretation of the legislation. If section 3 means anything at all, it must mean that discrimination between religious and non-religious worldviews or lifestyles should be eliminated by reading references to 'religions' in the present law on RE as references to 'religions or beliefs' in the new guidance.

In particular, in references to membership of SACREs and ASCs, 'religions' must be read as 'religions or beliefs', giving humanists the right to be full members alongside the religious representatives.

Not only is such a reading of the law now required by the Human Rights Act – as, of course, it was not in 1994 – but it is wholly in line with the developing consensus in the Council of Europe, the OSCE and other international bodies to which the United Kingdom is committed. We refer, for example to the OSCE's *Toledo Guiding Principles* and the Council of Europe's Committee of Ministers recommendation CM/Rec (2008)12) and the fact that even the United Nations' Special Rapporteur on freedom of religion or belief has singled out the UK's discriminatory approach in RE as an issue of concern.

Further justification for our argument here and further advice on the question is available upon request.

The Legal Situation explained

The BHA believes that the Human Rights Act (HRA) and Equality Act (2006) support the inclusion of humanists on SACREs as full members. Section 3 of the HRA requires that legislation previous to the HRA

^[1] "Section 3 may require a court to depart from the unambiguous meaning the legislation would otherwise bear. In the ordinary course the interpretation of legislation involves seeking the intention reasonably to be attributed to Parliament in using the language in question. Section 3 may require the court to depart from this legislative intention, that is, depart from the intention of the Parliament which enacted the legislation." (per Lord Nicholls of Birkenhead at para. 30)

be interpreted to meet its requirements; so that, for example, references to "religion" should be interpreted to mean "religion and belief". Thus a case could be made for humanists to be full members of Committee A (which includes "other religions").

Education in English Schools: Non-statutory Guidance 2010 is the most up to date non-statutory guidance on SACREs. This document replaced Circular 1/94.

Circular 1/94 (which is no longer applicable) stated that "The inclusion of representatives of belief systems such as humanism, which do not amount to a religion or religious denomination, on Committee A of an agreed syllabus conference or Group A of a SACRE would be contrary to the legal provisions referred to at paragraph 103."

Education in English Schools: Non-statutory Guidance 2010 does not state this however appears to recommend co-opted, non-voting membership of Standing Advisory Councils for RE (SACREs – the local committees that oversee RE) for humanists and no membership at all of Agreed Syllabus Conferences (ASCs – the local committees that set the RE syllabus).

However

- DfE Circulars are guidance only, and do not have legal authority, unless there has been a court ruling on a particular aspect. To our knowledge, there has been no legal challenge to the inclusion of humanists in Group or Committee A.
- In the past a few SACREs have ignored the DfE circulars and allowed humanist representatives to retain full membership of Group A. They have taken the (correct) view that Circular 1/94 is only advice and that the matter has not been tested in court. These SACREs include Westminster and Oxford.
- Humanist representatives have been elected as Chairs or Vice-Chairs of SACREs including in Hounslow, Brent, Camden, Hammersmith and Fulham, Oxford and York. In particular, Humanist representatives have been the chair of the SACRE in Brent and in York
- In addition, Humanists have been invited to serve on ASCs and have taken a full part in conference proceedings and/or they have participated in syllabus working groups. However, because of the ambiguous legal position they are sometimes listed officially as 'observers'.

e-mail to:
GSA@waitrose.com

From: Alex Jack – Borough Solicitor

4th October 2011

Dear Gordon

HUMANIST ON SACRE

Thank you for your e-mail and my apologies for the delay in replying.

I am not entirely sure that the e-mail from the Humanist Association demands a response. I would imagine that it has been sent to the Chairman of every SACRE, and I am not convinced that if you fail to respond they will take it further.

The starting point is Section 390 of the Education Act 1996 which provides for each Local Education Authority to constitute a Standing Advisory Council on Religious Education. Section 390 stipulates that a SACRE must consist of the following:-

- a group of persons to represent such Christian denominations and other religions and denominations of such religions as, in the opinion of the Council, will properly reflect the principal religious traditions in the Borough.
- a group of persons to represent the Church of England.
- a group of persons to represent teacher associations
- a group of persons to represent the Authority.

I do not agree with the assertion in the advice sent by the British Humanist Association that references to “religions” in Section 390 should be read and construed as referring to “religions or beliefs” and by extension of “beliefs” to include “non-beliefs”. Accordingly, I do not accept that there is an obligation to appoint a Humanist for the Council to fulfil its duty in relation to the mandatory appointment of members to SACRE under Section 390.

SACRE has itself a power to co-opt other persons. It therefore needs to be considered whether the legislation referred to by the British Humanist Association effectively requires SACRE to co-opt a Humanist.

The assertion from the British Humanist Association is that the Human Rights Act 1998 and the Equality Act 2006 require such a co-option. Section 3 of the Human Rights Act 1998 requires other legislation to be interpreted in such a way as to be compatible with the convention rights. Article 4 of the European Convention of Human Rights provides that convention rights shall be enjoyed without discrimination on any grounds such as race, sex, religion etc. However, the prohibition on discrimination only implies in relation to the enjoyment of a convention right. Article 2 of the First Protocol to the convention provides that no person shall be denied the right to education and that the State shall respect the right of parents to ensure education and teaching in conformity with their own religious and philosophical convictions. It does not seem to me that by confining membership of SACRE to persons of a “religious” belief in the traditional sense the Council is discriminating in the provision of education.

The British Humanist Association make reference to the Equality Act 2006. That Act has largely been repealed by the Equality Act 2010. Section 29 of the Equality Act 2010 stipulates that “a person must not, in the exercise of a public function that is not the provision of a service to the public or a section of the public, do anything that constitutes discrimination, harassment or victimisation”. Section 29 also prohibits discrimination (by anyone) in the provision of a service. At first blush, given that the Act prohibits discrimination on the grounds of religion (which is defined to include non-belief) one might think that there is a case for considering whether it would be unlawful to discriminate against a Humanist to the appointment of SACRE. However, Schedule 3 to the Act stipulates that Section 29 insofar as it relates to religion does not apply in relation to anything done in connection with the curriculum of a school or acts of worship or religious observance organised by a school. Given that the functions of SACRE are limited to advising on religious education on the school curriculum and acts of religious worship in schools I think it is a fair interpretation of the Act that Section 29 is not intended to apply to the appointment of SACRE. The specific provision in 1996 Act referred to in the e-mail was Section 52. That section has now been replaced by Section 149(1) of the Equality Act 2010 which (in very similar terms to Section 52) stipulates that “a public authority” 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 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

“Relevant protected characteristic” is defined to include “religion or belief” which is in turn defined to include non-belief.

“Public Authority” is defined to include local authorities but does not include SACRE’s. However, Section 149(2) stipulates that a person who is not a public authority but who exercises public functions must, in the exercise of those functions have regard to the matters referred to in Section 149(1). I do consider that Section 149(2) applies to SACRE’s.

In my view, the general duty in Section 149 does not **require** a SACRE to co-opt a Humanist to the Committee though it is arguable that in deciding whether or not to do so it should have regard to Section 149 (I say “arguable” because on a narrow interpretation co-opting is not exercising a “function” but on a broader interpretation one could arrive at a different conclusion).

In short, whilst SACRE may co-opt a Humanist it is not obliged to do so.

I hope that assist but if you should wish to discuss please do not hesitate to contact me.

Kind Regards.

Borough Solicitor