

Paper for Swindon SACRE 26th June 2018

Humanists on SACRE - full voting rights and access to full participation

This issue is particularly pertinent to Swindon SACRE as our co-opted Humanist representative has volunteered to stand as vice chair.

The adviser and clerk met with Andrew Ferguson on 16th April 2018 to clarify the legal position for SACREs in regard of Humanists being able to sit on group A and to be full members.

The legal position is that as set out in Circular 10/94: Humanists cannot be regarded as members of a religious group and thereby qualify to sit on Group A (Christian Denominations and religions other than CofE).

The circular states at paragraph 103: "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 102"

However it could be regarded that this contravenes Human Rights.

On the 3rd May 2018

the **Welsh Government** have made a legal decision for the local authorities under its jurisdiction:

It is the view of the Welsh Government that:

- to ensure compatibility with the Human Rights Act 1998 the provisions relating to the constitution of SACRES and ASCs in the 1996 Act are to be interpreted as permitting the appointment of persons who represent holders of non-religious beliefs in the same way as they permit the appointment of persons who represent holders of religious beliefs; (section 390(4)(a) of, and paragraph 4(2)(1) of Schedule 31 to, the 1996 Act). However, we consider the non-religious beliefs adhered to by the person to be appointed must be analogous to a religious belief, such as humanism. To be "analogous" we consider the non-religious beliefs must in accordance with case law under the European Convention of Human Rights and the Human Rights Act 1998 attain the necessary level of cogency, seriousness, cohesion and importance to attract protection under the Convention Rights.
- an appointment is dependent on the relevant local authority's opinion as to whether such a representative would help ensure that the relevant traditions in the local authority's area are appropriately reflected in Group A. The final decision of an appointment rests with the local authority, and they are best placed to assess whether a SACRE has the necessary expertise and experience to properly discharge its function.

The same principle applies in relation to appointments to Agreed Syllabus Conferences.

Kirsty Williams

AC/AM Ysgrifennydd y Cabinet dros Addysg

Cabinet Secretary for Education

This decision made by the Welsh Govt. has no legal bearing on English Local Authorities.

It does however place further pressure on the English Government to change its position on the Constitution of SACRES.

It is also very likely to be an aspect the Commission on Religious Education's (CORE's) final report and recommendations that will be published in September. There will be a recommendation about the structure of SACRE groups as well as possibly a recommendation about widening SACREs brief.

On further conversation with the Humanist rep to Swindon SACRE on May 11th 2018, she articulated her belief that the current law does contravene Human Rights but the legal costs of challenging Swindon Local Authority on this issue is not in the interest of Swindon Children when budgets are so tight.

It would appear that the zeitgeist is moving towards allowing Humanist reps to sit on group A (as the Welsh Govt. decision indicates) but we are not there at the moment in England.

This leaves Swindon SACRE without a Vice Chair at this time.