

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT: SAC Constitution and Terms of Reference MEETING: SACRE/SAC DATE: 2023 DIVISION/WARDS AFFECTED: N/A
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1. PURPOSE

To consider a constitution and terms of reference for the Standing Advisory Council on Religion, Values and Ethics (SAC).

2. RECOMMENDATION

To recommend to the Monitoring Officer to implement the proposed amendments to the MCC Constitution as set out in Appendix 1.

3. KEY ISSUES

As a result of legislative changes to sections 390 to 392 of the Education Act 1996 brought about by the Curriculum and Assessment (Wales) Act 2021, the requirement that a local authority constitute a Standing Advisory Council on Religious Education (SACRE) has been replaced, subject to a transitional period, by a requirement to constitute a Standing Advisory Council (SAC) on Religion, Values and Ethics (RVE).

The brief of the SAC is broader than that of SACRE in that it encompasses not only religion, but also values and ethics in accordance with the RVE element of the new Curriculum for Wales Framework.

In addition to the broader brief, the composition of SAC differs slightly to that of the former SACRE in that the law now requires the representative group for Christian denominations and other religions and denominations of such religions to include representation for persons who hold non-religious philosophical convictions (NRPCs).

The constitution and terms of reference for SACRE form an integral part of the MCC Constitution. In the circumstances the MCC Constitution needs to be amended to formalise the establishment of SAC.

In addition, the proposed constitutional provisions for SAC will also need to retain provision for the handling of legacy SACRE responsibilities.

Under paragraph 3.5.3 the Monitoring Officer has the power to amend any part of the MCC Constitution where such amendment is required to be made so as to comply with any legislative provision, such changes to be reported to Full Council for information within 12 months of any change. The Monitoring Officer has indicated that he intends to present changes to the MCC

Constitution before Full Council at the Annual General Meeting scheduled for 18 May 2023.

A list of the current relevant provisions of the MCC Constitution relating to SACRE, together with proposed amendments, is attached at Appendix 1.

4. OPTIONS APPRAISAL

Do Nothing

Not agreeing to the amendments of the MCC Constitution runs the risk that the Authority is not meeting its legal obligations and has not constituted SAC appropriately, thereby exposing any decision of SAC to the potential risk of legal challenge. If the SAC do not agree to the proposed amendments, the Monitoring Officer may decide to implement the amendments in any event to ensure compliance with the relevant legislation.

Agree to update the terms of reference and Constitution

Recommending the proposed constitutional amendments will ensure the Authority is meeting its legal requirements in terms of the constitution and terms of reference of SAC.

5. RESOURCE IMPLICATIONS

None

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS

None

7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS

None.

8. BACKGROUND PAPERS

Relevant provisions of Education Act 1996 as amended by Curriculum and Assessment (Wales) Act 2021: Sections 390, 391, 392

9. AUTHOR

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Appendix 1

Paragraph 3.2.2

Under the definition of the term Member Body, delete reference to 'SACRE' and replace with 'SAC'

Paragraph 10.1.1

Amend table entry for Standing Advisory Council on Religious Education as follows (text to be deleted in red strikethrough, new text to be inserted in red):

<p>Standing Advisory Council on Religious Education Religion, Values and Ethics (SAC)</p>	<p>SACRE shall consist of representation from:</p> <ul style="list-style-type: none">- Christian denominations and other religions and religious denominations, and non-religious philosophical convictions, the number of members appointed to the group to represent a religion, denomination or non-religious philosophical conviction being to broadly reflective, so far as is consistent with the efficient discharge of the group's functions, of the proportionate strength of the religion, denomination or non-religious philosophical conviction in the area. It is recognised that there will be occasions when the interests of efficiency override the requirement for directly proportionate representation;- Such associations representing teachers as, in the opinion of the authority, ought to be represented; and- The local education authority. <p>It may also appoint co-opted members if required although these members have no voting rights.</p> <p>It is for the LEA local authority to appoint the members of the three groups.</p> <p>Each group has a single vote on any matter to be decided by SACRE.</p>
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It is open to the **local** authority to appoint the chairperson, or to allow a **SACRE** to appoint its own chair from its members.

Composition:

LEA Local authority - 6 places representing Monmouthshire County Council

Religions, and denominations and non-religious philosophical convictions – ~~12~~ 13 places:

Representing the Church in Wales (1)
Representing the Roman Catholic Church (1)
Representing the Free Church Council (4)

Representing the Bahai'i Faith (1)
Representing the Buddhist Faith (1)
Representing the Hindu Faith (1)
Representing the Muslim Faith (1)
Representing the Jewish Faith (1)
Representing the Sikh Faith (1)

Representing non-religious philosophical convictions (1)

Representing the Teachers Associations 7 places

Co-opted Members 2 places

The representative for non-religious philosophical convictions shall not participate or vote when SAC determines legacy SACRE matters.

Membership of WASACRE

Monmouthshire **SACRE** is a member body of the Welsh Association of SACREs. Four **SACRE** representatives are nominated for attendance at WASACRE but these may be substituted as required.

	<p>The RE Adviser to SACRE shall act for the LEA local authority at WASACRE meetings.</p> <p>Supply cover and travel expenses will be paid to teacher representatives attending meetings.</p> <p>Religious representatives and those representatives representing non-religious philosophical convictions may claim expenses from their respective organisations.</p> <p>Any member who has not attended three consecutive meetings without apology will lose the right to their place.</p> <p>Supply cover will be paid for teachers' attendance at meetings.</p> <p>Religious representatives may claim expenses from their respective organisations.</p>
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Paragraph 21.1.1

Amend table entry for SACRE as follows (text to be deleted in red strikethrough, new text to be inserted in red):

<p>SACRE</p>	<p>To advise the Local Education Authority (LEA) local authority, in accordance with section 391(1A)(a) of the Education Act 1996, upon matters connected with:</p> <p>(i) religious worship in community schools, and county schools and religious education (RE) to be given in accordance with an agreed syllabus for the Authority.</p> <p>(ii) the provision of teaching and learning, under the Curriculum and Assessment (Wales) Act 2021, either in respect of the mandatory element of Religion, Values and Ethics (within the meaning of that Act) ("RVE"), or under section 60 of that Act (post-compulsory education in maintained schools: Religion, Values and Ethics),</p>
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as the authority may refer to SAC or as SAC may see fit.

To provide particular advice in respect of the above matters around the methods of teaching, the choice of materials and the provision of training for teachers (section 391(2), Education Act 1996).

To carry out, in accordance with section 391(1A)(b) of the Education Act 1996, the functions conferred on SAC by section 394 of the same Act (determination of cases in which requirement for Christian collective worship is not to apply).

Where the representative groups so demand (other than the group consisting of persons appointed to represent the local authority), to require the local authority, in accordance with section 391(3) of the Education Act 1996, to review and establish the RVE agreed syllabus via an agreed syllabus conference in accordance with paragraph 3 of Schedule 31 to the same Act. In accordance with Welsh Government guidance, SAC should request a review of the RVE agreed syllabus at least once every 5 years.

To publish in each year a report as to the exercise of its functions and any action taken by its representative groups in terms of requesting a review of the RVE agreed syllabus during the last preceding year (section 391(6)-(7), Education Act 1996). A copy of that report must be sent to the Department for Education and Skills, Welsh Government

To handle legacy advisory functions formerly the responsibility of the Monmouthshire Standing Advisory Council on Religious Education ("SACRE"), relating to the RE syllabus for those school years in which the RVE agreed syllabus has not yet been implemented.

To meet at least once a term (i.e. 3 meetings per academic year), but meetings can be arranged as required. The duty to convene a SAC implies a duty to fund the body satisfactorily. The local authority shall provide a clerk and sufficient funds for it to perform its functions.

~~It can require the LEA to review the RE agreed syllabus and establish an agreed syllabus at a formal meeting called an Agreed Syllabus Conference.~~

~~To consider any application made by a head teacher for their school to be released from the requirement that collective worship be wholly or mainly of a broadly Christian character for some or all of the pupils in that school (determination).~~

~~The main role, therefore, is to support effective provision of collective worship, and religious education in accordance with the Agreed Syllabus.~~

~~Each LEA should work with its SACRE to review the existing provision for RE and consider with the SACRE whether any changes need to be made in the Agreed Syllabus or in the support offered to schools.~~

~~Similarly it should work with its SACRE to monitor the provision of daily collective worship and to consider with it any action which might be taken to improve provision.~~

~~It is for the LEA to decide what matters it wishes to refer to its SACRE, but these should include methods of teaching, the choice of teaching material and the provision of teacher training.~~

~~A SACRE is not confined to advising on matters referred to it by its LEA; it may~~

	<p>offer advice on any matters related to its functions as it sees fit.</p> <p>The advice offered by a SACRE carries no statutory force. However, the LEA or school should always give careful consideration to advice offered.</p> <p>LEAs are encouraged to keep their SACRE fully informed on all matters relating to RE and collective worship in their schools. This should include, where appropriate, information on individual schools following inspection by Estyn.</p> <p>Annual Reports:</p> <p>SACRE must publish an annual report on its work. This should:</p> <ol style="list-style-type: none"> 1. -- specify any matters on which it has advised the LEA; 2. -- broadly describe the nature on that advice; and 3. -- set out its reasons for offering advice on any matters which were not referred to it in the first place by the LEA. <p>A copy of the annual report must be sent to DCELLS (by 30th December). LEAs are encouraged to send copies of the annual report to schools and local teacher training institutions.</p> <p>Monmouthshire SACRE normally meets each term (3 meetings per annum) but meetings can be arranged as required.</p> <p>The LEAs duty to convene a SACRE implies a duty to fund this body satisfactorily. The LEA should provide a clerk and sufficient funds for it to perform its functions.</p> <p>A review of the Agreed Syllabus must be carried within every five year period.</p>
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Paragraph 26.5.2(c)(i)

Delete reference to 'religious worship and education' and replace with 'religion, values and ethics'.

Delete reference to 'SACRE' and replace with 'SAC'.