



Local Authority Directors of Education

3 May 2018

Dear Colleagues

I am writing to update you in relation to the governance and membership on Standing Advisory Councils on Religious Education (“SACREs”) and Agreed Syllabus Conferences (“ASCs”).

As you may be aware, the extant guidance relating to SACRE membership is laid out in Circular 10/94 (published by the former Welsh Office in 1994). The circular is non-statutory and is neither binding nor authoritative but there have been a number of queries recently on the issue of membership to Group A of a SACRE. Specifically, on whether persons who hold non-religious beliefs (such as Humanists) should be permitted full membership on Group A in light of the Human Rights Act 1998. For information, details on how membership to a SACRE is constituted is included at Annex A.

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”.

The appointment of persons to a SACRE is a matter for local authorities and the SACREs. However, taking legal advice into consideration, I am of the opinion that representatives from non-religious belief systems may be appointed to Group A of a SACRE or ASCs, to ensure that SACREs/ASCs fully reflect the beliefs of the communities that they are representing and to comply with current legislation.

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

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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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 (ASCs).

For the avoidance of doubt, the guidance set out in this letter supersedes paragraph 103 of Circular 10/94.

With regards to an updating Circular 10/94, I am aware that there are other areas of contention within the document that need to be addressed. As there are some complex issues, consideration of those matters is still on-going and therefore a review of the guidance will be considered once all information on this matter has been received.

I hope this provides clarification on these matters.

Yours sincerely



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Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education

## Annex A

1. The functions of a SACRE are set out in section 375 of the Education Act 1996 (“the 1996 Act”) and broadly those are to advise a local authority in respect of matters relating to religious education and collective worship. Section 390 of the 1996 Act set out how a SACRE is to be constituted as follows:
  - a) a group of persons to represent Christian denominations and other religions and denominations as in the opinion of the authority appropriately reflect the principal religious traditions in the area. The number of persons appointed should reflect broadly the proportionate strength of the particular denomination or religion in the area (“Group A”);
  - b) a group of persons representing associations that represent teachers; and
  - c) a group of persons to represent the authority.
2. In addition a SACRE may include co-opted members onto it. Such members are to be appointed on the terms as may be determined by those co-opting that person i.e. the SACRE itself (section 392(5) of the 1996 Act). Co-opted members cannot take part in a group vote.