



Guidance for local authorities about membership of Standing Advisory Councils for Religious Education (SACREs)

This note provides information on a recent court ruling and shares the Department for Education's (the Department) view that representatives from non-religious belief systems may be appointed to Group A of a SACRE and/or to an Agreed Syllabus Conference (ASC).

SACREs

- SACREs are established by local authorities, as required by legislation¹, and their membership must consist of the following groups:
- Group A: members that represent Christian denominations and other religions and their denominations who will appropriately reflect the principal religious traditions in the area;
- Group B: members that represent the Church of England;
- Group C: members that represent the teaching profession or other relevant associations that, in the opinion of the authority, ought to be represented; and
- Group D: members that represent the [local] authority.

Legal case

The recent legal case of *Bowen v Kent County Council*² (more details in the Annex) clarified that applications for Group A membership from persons who represent holders of non-religious beliefs should be considered in the same way as applications from those who represent holders of religious beliefs.

View of the Department for Education

In the Department's view, the non-religious beliefs adhered to by the person to be appointed must be analogous to a religious belief. To be "analogous", the non-religious beliefs must, in accordance with case law under the European Convention of Human Rights

¹ <http://www.legislation.gov.uk/ukpga/1996/56/section/390>

² www.bailii.org/ew/cases/EWHC/Admin/2023/1261.html

and the Human Rights Act 1998, attain the necessary level of cogency, seriousness, cohesion, and importance to attract protection under the Convention Rights.³

The final decision on appointment of persons to a SACRE or ASC is a matter for local authorities. This may include consideration of whether such a representative would help ensure that the relevant traditions and beliefs in the local authority's area are appropriately reflected in Group A.

ANNEX

The claimant, Stephen Bowen, sought to be appointed to join Group A of the Standing Advisory Council for Religious Education (SACRE) of Kent County Council (KCC). KCC refused to appoint Mr Bowen because it took the view that, as a humanist, Mr Bowen does not represent 'a religion or a denomination of a religion' for the purposes of section 390(4)(a) of the 1996 Act. KCC considered that it did not have the power to appoint Mr Bowen to Group A and that it would have been unlawful for it to do so.

Mr Bowen challenged this decision on the basis of it being discriminatory and so in breach of Article 14 of the European Convention on Human Rights (ECHR). He contended that pursuant to section 3 of the Human Rights Act 1998 (HRA 1998), section 390(4)(a) must be read in such a way as to avoid the breach.

The judge ruled that KCC's interpretation of section 390(4)(a) of the Education Act 1996 breached Article 14 of the ECHR. The KCC's decision was quashed as it "... *failed to interpret the provision in compliance with the Human Rights Act 1998 humanism is self evidently a belief system ... and would be encompassed within any Convention-compliant interpretation of section 390(4)(a) [of the Education Act 1996].*"

© Crown copyright 2023

³ This aligns with the policy in Wales, where a non-religious belief for the purposes of education is aligned with those philosophical beliefs that are protected following European Convention of Human Rights caselaw.