

---

**REVISION OF SACRE CONSTITUTION**

---

**Responsible Cabinet Member – Councillor Chris McEwan,  
Children and Young People Portfolio**

**Responsible Director – Paul Wildsmith, Director of Corporate Services**

---

**Purpose of Report**

1. The purpose of this report is to consider proposed revisions to the SACRE Constitution.

**Background**

2. Recent poor attendance at SACRE meetings has highlighted that the Constitution of this SACRE does not include a definition outlining whether a meeting is quorate. An ‘informal ruling’, based on a quarter of the Membership being in attendance, has previously been used, however this may lead to unrepresentative decisions being made.
3. Advice provided by the National Association of SACRE’s (NASACRE) on 25th September 2007, stated that the quorum should be defined in the Constitution of the individual SACRE’s. NASACRE advised that the general practice is that a representative of each of the voting groups should be present at a meeting, in order for that meeting to be considered quorate.
4. Some of the wording within the current Constitution is out of date and in need of amendment. For example, the Constitution refers to the Secondary Head’s Association (SHA), which is now known as the Association of School and College Lecturers (ASCL). The Constitution may also appear cumbersome, and therefore a more user-friendly version of the Constitution may be more appropriate

**Information and Analysis**

5. A selection of SACRE Constitutions were obtained and analysed. All of these constitutions included a definition of a quorum within their Constitution, and in the majority of cases this was defined as that at least one representative of each of the voting groups must be in attendance. This would ensure that, should any vote be required, each of the voting groups would have the opportunity to vote. A number of the constitutions examined also stipulated that a minimum number of members should be in attendance, in addition to the requirement that each representative group should be represented. For example, Bexley’s SACRE constitution stated that “each of the four voting groups be represented in order for a meeting to be quorate, and at least seven members in total to be present”. Consideration was given to including such a stipulation within Darlington’s SACRE Constitution, however this could prove to be extremely restrictive.

6. Many of the constitutions analysed allowed members of the representative groups to nominate a substitute to attend in their place, should a member be unable to attend a meeting. This may assist in allowing continued representation of those from the faith and teaching groups, and encourage those that do not attend to provide representation. The substitute must fulfil the same representative criteria as the member that they are deputising for, and the substitute will have the same voting powers as the member in whose place they attend. If any member wishes to nominate a substitute, the Clerk of the SACRE must be notified in advance of the meeting by the member to be substituted.
7. Consideration has also been given to moving the existing co-opted groups into the 'Other Religious Faiths' Group (Group C) as these Groups, in the opinion of the Authority, reflect the principal religious traditions of the area.
8. Revising the content of the Constitution also allows the opportunity to improve the format so that the document can be presented in a more user-friendly format, and following the revision of the Constitution, it would be appropriate for the voting groups to be presented in a similar manner in the minutes of all meetings.
9. Where a member fails to attend three consecutive meetings of the SACRE, and is not represented at any of these meetings by a named substitute, many of the analysed constitutions included the provision to terminate the membership of that member. This would allow the SACRE to replace those Members who do not attend frequently on a regular basis, rather than wait for their four-year term of office to expire. Should this occur, the nominating organisation would be invited to nominate a further representative.
10. In order to ensure that each member has a fair opportunity to attend the below provisions have been included within the Constitution, in order to provide each such member with appropriate notice, and allow for the discretion of SACRE in any extenuating circumstances:
  - (a) The Clerk to the SACRE has advised the member in writing of the provision of this clause within a fortnight of the second missed meeting, and at least a fortnight before the third missed meeting.
  - (b) The SACRE does not decide to waive this rule for reasons of extenuating circumstances.
11. Grant Maintained Schools no longer exist and therefore it is appropriate to remove reference to such institutions within the Constitution.
12. The Secondary Head's Association (SHA) is now known as the Association of School and College Lecturers (ASCL), and this should be amended.
13. A complete revised draft Constitution, including the proposed amendments, is attached at **Appendix 1**, and the existing Constitution is appended at **Appendix 2** for information.
14. At its meeting on Monday, 21st January 2008, the SACRE formally accepted the proposed Constitution, and agreed to submit the Constitution to this meeting of the Cabinet for formal approval.

## **Conclusions**

15. The proposed amendments strengthen the Standing Advisory Council on Religious Education's Constitution in terms of clarity, in relation to the issue of being quorate, provides the flexibility required to increase engagement with the voting groups by allowing the use of substitutes and introduces mechanisms to allow the SACRE to terminate the membership of those members who do not attend on a regular basis.

## **Outcome of Consultation**

16. No consultation was required in the production of this Cabinet report.

## **Legal Implications**

17. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

## **Section 17 of the Crime and Disorder Act 1998**

18. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

## **Council Policy Framework**

19. The issues contained within this report do not represent change to Council policy or the Council's policy framework.

## **Decision Deadline**

20. For the purpose of the 'call-in' procedure this does not represent an urgent matter.

## **Recommendation**

21. It is recommended that the proposed revisions to the SACRE Constitution be approved.

## **Reasons**

22. The recommendations are supported by the following reasons :-

- (a) To ensure that the Darlington SACRE Constitution allows provision for representative decision-making.
- (b) To ensure that the Darlington SACRE Constitution adheres to the general practice promoted by the National Association of SACRE's.
- (c) To update the Darlington SACRE Constitution to reflect amendments in relevant terminology.

**Paul Wildsmith**  
**Director of Corporate Services**

## **Background Papers**

Report to SACRE on 21st January 2008, entitled 'Revision of SACRE Constitution'.

Paul Dalton : Extension 2387