

The Council is required to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act
- advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not.

The Act explains that having due regard for advancing equality involves:

- removing or minimising disadvantages experienced by people due to their protected characteristics
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- encouraging people with protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion of belief
- Sex
- Sexual orientation

The duty also covers marriage and civil partnership but only with regard to eliminating discrimination. And in Wales we also have to treat Welsh and English on an equal basis as well as promoting and facilitating the use of the Welsh language.

Further advice on completing impact assessments can be found on StaffNet

<http://staffnet.valeofglamorgan.gov.uk/Directorates/Managing-Director-and-Resources/Performance-and-Development/Equalities/Equalities-Impact-Assessments/Equality-Impact-Assessments.aspx>

Title and description of the policy, procedure, practice or decision (referred to as "policy" throughout form).

This Equality Impact Assessment is in relation to the Vale of Glamorgan SACRE (Standing Advisory Council on Religious Education) membership, and specifically in relation to an application for a Humanist representative to be included on the Vale of Glamorgan SACRE.

The role of the Standing Advisory Council on Religious Education (SACRE) is to advise the local authority on matters connected with religious education and collective worship, as the local authority may refer, or as the SACRE sees fit.

Background

The Vale of Glamorgan Council has a duty to constitute a SACRE in accordance with section 390 of the Education Act 1996. This provision holds that a SACRE should be constituted to reflect Christian denominations and other religious denominations as a broad reflection of the principal religious traditions in the area.

Membership

The Vale of Glamorgan SACRE shall comprise three groups representing:

- a. Such Christian and other religious denominations as, in the opinion of the Local Authority will appropriately reflect the religious traditions in the area.*
- b. Such associations representing teachers as, in the opinion of the Local Authority, ought to be represented having regard to the circumstances of the area.*
- c. The Local Authority.*

The Vale of Glamorgan SACRE may also include co-opted members.

The Vale of Glamorgan SACRE has agreed the following membership:

Representatives from religious traditions and denominations.

To optimise the efficiency of the SACRE, membership is sought from a wider range of religious traditions than that which may at any time, be directly present within the Vale of Glamorgan.

12 places from a range of religions and denominations which could include but is not restricted to:

- The Church in Wales*

- *The Roman Catholic Church*
- *Free Churches*
- *Bahá'í Faith*
- *Buddhism*
- *Hinduism*
- *Islam*
- *Judaism*
- *Sikhism*

Teacher representatives

8 places from a range of teacher associations.

The Local Authority

6 members representing the local authority.

Co-opt members (with no voting rights)

Up to 4 members who have an interest in religious education and collective worship and can assist the committee in its functions.

SACRE's are required by section 390 of the Education Act to ensure that members appointed to represent each denomination or religion must reflect broadly the proportionate strength of that denomination or religion in the area.

Relevant Issues and Options

An application was received for Humanist representation on the Vale of Glamorgan SACRE from the Wales Humanist Development Officer.

On June 16 2016, following an application for Humanist representation from the Wales Humanist Development Officer, the Vale of Glamorgan SACRE met to consider the request for a co-opted place on the Vale of Glamorgan SACRE. Following discussion it was agreed that the application should be refused on the basis that it does not consider Humanism to be a religion or a denomination of a religion for the purposes of section 390 of the Education Act 1996.

The role of the SACRE is to deal with religious education and collective worship and the Vale SACRE felt

	<p><i>therefore that there was no obligation to have Humanist representation.</i></p> <p><i>The application was also declined on the grounds that a Humanist representative would not serve to proportionately reflect recognised religious traditions within the Vale of Glamorgan.</i></p> <p><i>In accordance with section 390 of the Education Act 1996, the Council should consider whether humanism falls within the definition of a religion or denomination of a religion and if so, whether a Humanist representative is needed in order to proportionately reflect the principal religious traditions of the Vale of Glamorgan.</i></p>
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Who is responsible for developing and implementing the policy?

Name	Paula Ham
Job Title	Interim Director of Learning and Skills
Directorate	Learning and Skills
Division	

1. Who will be affected by this policy?

Examples may include Vale of Glamorgan residents, internal department(s), a specific group of customers or employees, customers or residents in a specific location.

Please specify:

The Humanist representative applying to be a member of the Vale of Glamorgan SACRE and those individuals intended to benefit from the work of the Vale of Glamorgan SACRE (e.g. pupils).

2. Does the policy relate to an area where there are known inequalities (for example, disabled peoples' access to public transport; the gender pay gap; racist or homophobic bullying in schools; the educational attainment of Gypsies and Travellers)?

Yes

No

Please detail:

3. What will be the impact of this policy / decision / practice on people because of their age?

- Positive
- Negative
- Neutral / insignificant

What age groups will the policy impact upon?

- Young people (children and young people, up to 18)
- People 18- 50
- Older people (50+)
- All
- Other (please specify) _____

Reasons for your decision (including evidence) / How might it impact?

The Council must constitute a SACRE in accordance with section 390 of the Education Act 1996. This provision holds that a SACRE should be constituted to reflect Christian denominations and other religions/denominations as a broad reflection of the principal religious traditions in the area and there are no criteria relating to age (or any other protected characteristic other than religious belief) that are taken into account when considering eligibility as Vale of Glamorgan SACRE members.

The Vale of Glamorgan Council has a policy of encouraging applications from a diverse group of applicants for all its committees, advisory groups and other decision making groups.

4. What will be the impact of this policy / decision / practice on disabled people?

- Positive
- Negative
- Neutral / insignificant

Which impairment(s)?

- Visual
- Hearing
- Physical disability
- Learning disability
- Mental health condition
- All

Other (please specify) _____

Reasons for your decision (including evidence) / How might it impact?

The Council must constitute a SACRE in accordance with section 390 of the Education Act 1996. This provision holds that a SACRE should be constituted to reflect Christian denominations and other religions/denominations as a broad reflection of the principal religious traditions in the area and there are no criteria relating to disability (or any other protected characteristic other than religious belief) that are taken into account when considering eligibility as Vale of Glamorgan SACRE members.

The Vale of Glamorgan Council has a policy of encouraging applications from a diverse group of applicants for all its committees, advisory groups and other decision making groups.

5. What will be the impact of this policy / decision / practice on different genders?

Positive	<input type="checkbox"/>
Negative	<input type="checkbox"/>
Neutral / insignificant	x

Will the impact be on:

Men	<input type="checkbox"/>
Women	<input type="checkbox"/>
Non-binary	<input type="checkbox"/>

Reasons for your decision (including evidence) / How might it impact?

The Council must constitute a SACRE in accordance with section 390 of the Education Act 1996. This provision holds that a SACRE should be constituted to reflect Christian denominations and other religions/denominations as a broad reflection of the principal religious traditions in the area and there are no criteria relating to sex/gender (or any other protected characteristic other than religious belief) that are taken into account when considering eligibility as Vale of Glamorgan SACRE members.

The Vale of Glamorgan Council has a policy of encouraging applications from a diverse group of applicants for all its committees, advisory groups and other decision making groups.

6. What will be the impact of this policy / decision / practice on trans people?

Positive	<input type="checkbox"/>
Negative	<input type="checkbox"/>

Neutral / insignificant

x

Reasons for your decision (including evidence) / How might it impact?

The Council must constitute a SACRE in accordance with section 390 of the Education Act 1996. This provision holds that a SACRE should be constituted to reflect Christian denominations and other religions/denominations as a broad reflection of the principal religious traditions in the area and there are no criteria relating to gender identity, trans status (or any other protected characteristic other than religious belief) that are taken into account when considering eligibility as Vale of Glamorgan SACRE members.

The Vale of Glamorgan Council has a policy of encouraging applications from a diverse group of applicants for all its committees, advisory groups and other decision making groups.

7. What will be the impact of this policy / decision / practice on marital status and civil partnership? (¹ see note on page 1)

Positive

Negative

Neutral / insignificant

x

Reasons for your decision (including evidence) / How might it impact?

The Council must constitute a SACRE in accordance with section 390 of the Education Act 1996. This provision holds that a SACRE should be constituted to reflect Christian denominations and other religions/denominations as a broad reflection of the principal religious traditions in the area and there are no criteria relating to marriage or civil partnership status (or any other protected characteristic other than religious belief) that are taken into account when considering eligibility as Vale of Glamorgan SACRE members.

The Vale of Glamorgan Council has a policy of encouraging applications from a diverse group of applicants for all its committees, advisory groups and other decision making groups.

8. What will be the impact of this policy / decision / practice on pregnancy and/or maternity?

Positive

Negative

Neutral / insignificant

x

Reasons for your decision (including evidence) / How might it impact?

The Council must constitute a SACRE in accordance with section 390 of the Education Act 1996. This provision holds that a SACRE should be constituted to reflect Christian denominations and other religions/denominations as a broad reflection of the principal religious traditions in the area and there are no criteria relating to pregnancy/maternity (or any other protected characteristic other than religious belief) that are taken into account when considering eligibility as Vale of Glamorgan SACRE members.

The Vale of Glamorgan Council has a policy of encouraging applications from a diverse group of applicants for all its committees, advisory groups and other decision making groups.

9. What will be the impact of this policy / decision / practice on different groups because of their race?

- Positive
- Negative
- Neutral / insignificant

Please indicate groups that may be affected:

- Ethnic minorities
- Nationalities
- Asylum seekers / refugees
- Gypsies / Travellers
- All
- Other (please specify) _____

Reasons for your decision (including evidence) / How might it impact?

The Council must constitute a SACRE in accordance with section 390 of the Education Act 1996. This provision holds that a SACRE should be constituted to reflect Christian denominations and other religions/denominations as a broad reflection of the principal religious traditions in the area and there are no criteria relating to different groups because of their race (or any other protected characteristic other than religious belief) that are taken into account when considering eligibility as Vale of Glamorgan SACRE members.

The Vale of Glamorgan Council has a policy of encouraging applications from a diverse group of applicants for all its committees, advisory groups and other decision making groups.

10. What will be the impact of this policy / decision / practice on different groups because of their religion, belief or non-belief?

Positive
Negative
Neutral / insignificant

Please indicate groups that may be affected:

Religious group(s)
(please specify) _____

Belief (e.g. Humanism)
(please specify) _____ Humanism _____

Non-belief
(please specify) _____

Reasons for your decision (including evidence) / How might it impact?

As identified on page 2, membership of the Vale of Glamorgan SACRE relates to specific roles and responsibilities. These are as follows:

- a. Such Christian and other religious denominations as, in the opinion of the Local Authority will appropriately reflect the religious traditions in the area.*
- b. Such associations representing teachers as, in the opinion of the Local Authority, ought to be represented having regard to the circumstances of the area.*
- c. The Local Authority.*

The Vale of Glamorgan SACRE may also include co-opted members.

Representatives from religious traditions and denominations.

To optimise the efficiency of the SACRE, membership is sought from a wider range of religious traditions than that which may at any time, be directly present within the Vale of Glamorgan. The Vale of Glamorgan SACRE has agreed the following membership:

12 places from a range of religions and denominations which could include but is not restricted to:

*The Church in Wales
The Roman Catholic Church*

*Free Churches
Bahá'í Faith
Buddhism
Hinduism
Islam
Judaism
Sikhism*

Teacher representatives

8 places from a range of teacher associations

The Local Authority

6 members representing the local authority.

Co-opt members (with no voting rights)

Up to 4 members who have an interest in religious education and collective worship and can assist the committee in its functions.

For the representatives from religious traditions and denominations there is a specific requirement that they input into the group as representatives of a specific religious belief and therefore this requirement limits those who do not follow a religious belief from applying to be one of these members. (see 'Relevant Issues & Options' section above)

Legal advice on this decision established that Vale of Glamorgan SACRE were not acting unlawfully in applying the requirements/ restrictions to membership on the grounds of religion or belief as they were acting in pursuance with another statutory provision (section 390 of the Education Act 1996) in applying this requirement. This was deemed to be a lawful restriction based on a legal exemption to the requirements of the Equality Act. It is statute therefore rather than the decision-making group itself that have developed the membership criteria. Legal advice also confirmed that the definition of 'religious belief' under section 390 did not include the wider definition of belief or non-belief as protected under the Equality Act, and therefore the Humanist belief is not included under the membership requirements of this section.

Advice confirmed however that adherence with section 390 of the Education Act did not preclude the Vale of Glamorgan SACRE from voluntarily extending membership of the group to allow an individual from a non-religious 'belief' group to be co-opted as a non-voting member of the group. It was recommended that the Vale of Glamorgan SACRE may wish to take into consideration the value of including the broader view of an individual from a belief group to its meetings when making this decision. It was further advised that the Vale of Glamorgan SACRE may wish to consider statistical data on the representation of the particular belief in question (in this case Humanism) in the Vale of Glamorgan community when making this decision.

In making the decision, the following was considered:

The Vale of Glamorgan Council has a duty to constitute a SACRE. The Council must constitute a SACRE in accordance with section 390 of the Education Act 1996. This provision holds that a SACRE should be constituted to reflect Christian denominations and other religions/ denominations as a reflection of the principal religious traditions in the area.

That section 390 of the Education Act 1996 indicates that representatives on the advisory group should be from a recognised religion. In accordance with section 390 of the Education Act 1996, the Council should consider whether any religion/belief falls within the definition in section 390, and if so, whether the religion/belief reflects the religious traditions of the Vale of Glamorgan.

That the Vale of Glamorgan SACRE has been established to advise on religious education and collective worship and therefore knowledge and involvement of a relevant religious belief would be an appropriate knowledge base for this role.

Advice was sought from the Council's Equality Section, Legal Department and the Equality Human Rights Commission on restricting membership of the advisory group to those who followed a relevant religious belief.

Cabinet is asked to consider the recommendation of SACRE not to extend membership to a humanist applicant on the grounds outlined above.

11. What will be the impact of this policy / decision / practice on different groups because of their sexual orientation?

- Positive
- Negative
- Neutral / insignificant

Please indicate groups that may be affected:

- Gay men
- Lesbians
- Bisexuals
- All
- Other (please specify) _____

Reasons for your decision (including evidence) / How might it impact?

The Council must constitute a SACRE in accordance with section 390 of the Education Act 1996. This provision holds that a SACRE should be constituted to reflect Christian denominations and other religions/denominations as a broad reflection of the principal religious traditions in the area and there are no criteria relating to sexual orientation (or any other protected characteristic other than religious belief) that are taken into account when considering eligibility as Vale of Glamorgan SACRE members.

The Vale of Glamorgan Council has a policy of encouraging applications from a diverse group of applicants for all its committees, advisory groups and other decision making groups.

12. What will be the impact of this policy / decision / practice on the Welsh language?

- Positive
- Negative
- Neutral / insignificant

Reasons for your decision (including evidence) / How might it impact?

The Council must constitute a SACRE in accordance with section 390 of the Education Act 1996. This provision holds that a SACRE should be constituted to reflect Christian denominations and other religions/denominations as a broad reflection of the principal religious traditions in the area and there are no criteria relating to language choice (Welsh/English) that are taken into account when considering eligibility as Vale of Glamorgan SACRE members.

The Vale of Glamorgan Council has a policy of encouraging applications from a diverse group of applicants for all its committees, advisory groups and other decision making groups

13. If you have identified any positive or negative impact (other than negligible) upon any protected characteristic groups or individuals then you must complete a full impact assessment.

Is a full equality impact assessment required Yes x No

This decision must be authorised by the relevant Director, Head of Service or Operational Manager

Approved by (name)	
Designation	
Date	

If it has been identified that there is a requirement to produce a full equality impact assessment, you must continue overleaf. If, however, you have determined that a full assessment is not necessary, then you are required to submit an authorised electronic copy of this document to tsgreaves@valeofglamorgan.gov.uk

Only complete these sections if you have identified the need for a full equality impact assessment

14. Who will be affected by this policy?

Examples may include Vale of Glamorgan residents, internal department(s), a specific group of customers or employees, customers or residents in a specific location.

Please specify:

The individual applying to be a member of the advisory group and those individuals intended to benefit from the work of the group (e.g. pupils).

15. Decisions must be based on robust evidence. Please detail the evidence that you have used to inform your assessment. What evidence do you have about how your service is used? What was the strength of the evidence and did you identify any gaps? Did the evidence identify any barriers to services, or different needs and priorities for protected characteristic groups? If the evidence was weak or gaps were identified, what action have you taken to address this?

The requirements of section 390 of the Education Act in relation to SACRE groups

Legal advice relating to whether the Humanist belief could meet the definition of a religious belief under section 390

Engagement with stakeholders (Equality Section and EHRC)

Consideration of statistical data relating to the proportion of Vale of Glamorgan residents who have declared their belief as Humanist (census data 2011)

16. There is a legal duty to consult and involve people and organisations representing the protected characteristics where it is identified that they are potentially affected by the policy (for example men; women; parents; carers; the black and minority ethnic community (including asylum seekers, refugees, economic migrants); disabled people; the Welsh speaking community; the lesbian, gay and bisexual community; transgender people; different faith groups; etc.)

Please detail engagement activities that have taken place – internally and externally:

Equality Human Rights Commission

17. Will this policy have a significant effect on how services are delivered? Yes No X
Please detail:

This is a decision relating to the membership of an advisory group.

18. Will this policy have a significant effect on how other organisations operate? Yes No X
Please detail:

SACRE does not advise other organisations.

19. Will the policy impact upon other policies or practices? Yes No X
Please detail:

This decision relates to the membership of an advisory group

20. Have you identified any evidence that the policy could directly or indirectly discriminate against or have an adverse impact on people in any of the protected groups? If 'Yes', what do you intend to do to mitigate against this? If you do not intend to mitigate against any identified adverse impact please provide justification. Yes X No

Please detail:

In considering whether this restriction is legitimate and proportionate the following was considered:

The Vale of Glamorgan Council has a duty to constitute a SACRE. The Council must constitute a SACRE in accordance with section 390 of the Education Act 1996. This provision holds that a SACRE should be constituted to reflect Christian denominations and other religions/denominations as a reflection of the principal religious traditions in the area.

That section 390 of the Education Act 1996 indicates that representatives on the advisory group should be from a recognised religion. In accordance with section 390 of the Education Act 1996, the Council should consider whether any religion/belief falls within the definition in section 390, and if so, whether the religion/belief reflects the religious traditions of the Vale of Glamorgan.

That the SACRE has been established to advise on religious education and collective worship and therefore knowledge and involvement of a relevant religious belief would be an appropriate knowledge base for this role.

Advice was sought from the Council's Equality Section, Legal Department and the Equality Human Rights Commission on restricting membership of the advisory group to those who followed a relevant religious belief.

- 21.** What can be done further to promote equality of opportunity by altering the policy?
Please detail, including opportunities to promote good relations and community cohesion:

Purpose and membership of the group are prescribed by section 390 of the Education Act and is applied on the grounds that the function of the group is to advice on religious education and collective worship.

- 22.** It is a requirement of the specific duties in Wales to undertake future monitoring of the equality impact of a policy. Please provide details of the monitoring that you will conduct? (for example the number of disabled people using your service as a proportion of the general population)
Please detail:

n/a

- 23.** How often will you analyse and report upon this monitoring information, and where will it be reported?
Please detail:

n/a

- 24.** How will you publish and publicise the policy to ensure equality of access to this information (including raising awareness with minority groups, producing information in accessible formats, etc.)?
Please detail:

The Vale of Glamorgan SACRE produces an annual report which is published and shared with organisations as

stipulated in guidance from Welsh Government.

- 25.** Any recommendations for action that you plan to take as a result of this impact assessment (listed in the sections above) should be included in your Team Plan or Departmental Service Plan.
Please detail those actions and where they will be placed:

n/a

- 26.** An equality impact assessment may have four possible outcomes, though more than one may apply to a single policy. Please indicate the relevant outcome(s) of the impact assessment below.
Please tick as appropriate:

No major change – the impact assessment demonstrated that the policy was robust; there was no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.

Adjust the policy – the impact assessment identified potential problems or missed opportunities. The policy was adjusted to remove barriers or better promote equality.

A recommendation for the Vale of Glamorgan SACRE to consider a voluntary extension of membership to include a co-opted member of the Humanist belief. Additionally it should be made clear that any decision does not preclude any applications from other relevant belief/non-belief groups in the future and any further decisions will be made taking into account the specific context of that application.

A recommendation that the Vale of Glamorgan Equalities Department review whether there are any measures available to identify the current number of Humanists in the Vale of Glamorgan.

Continue the policy – the impact assessment identified the potential for adverse impact or missed opportunities to promote equality. The justification(s) for continuing with it have been clearly set out. (The justification must be included in the impact assessment and must be in line with the duty to have due regard. Compelling reasons will be needed for the most important relevant policies.)

Stop and remove the policy – the impact assessment identified actual or potential unlawful discrimination. The policy was stopped and removed, or

changed.

27. Authorisation of full assessment

This equality impact assessment must be approved by the relevant Director, Head of Service or Operational Manager.

Approved by (name)	Trevor Baker
Job Title	Operational Manager, Strategy and Resources
Date	23 rd January 2017

Signature _____

On completion of this form you must send an authorised electronic copy to the Equalities Section: tsgreaves@valeofglamorgan.gov.uk.