Briefing for the Public Petitions Committee

**Petition Number:** PE1623

**Main Petitioner:** Spencer Fildes on behalf of Scottish Secular Society

**Subject:** Religious representatives on local authority education committees

Calls on the Parliament to urge the Scottish Government to remove the constitutional anomaly that imposes unelected Church appointees on Local Authority Education Committees.

**Background**

The Local Government (Scotland) Act 1973 s.124 requires that an education committee of a local authority must include members nominated by various churches. These are:

(a) one representative of the Church of Scotland, nominated in such manner as may be determined by the General Assembly of the Church;

(b) in the case of the education authority for each area other than Orkney Islands, Shetland Islands and Western Isles, one representative of the Roman Catholic Church, nominated in such manner as may be determined by the Scottish Hierarchy of the Church; and

(c) one person or in the case of the education authorities for Orkney Islands, Shetland Islands and Western Isles, two persons, in the selection of whom the authority shall have regard (taking account of the representation of churches under paragraphs (a) and (b) above) to the comparative strength within their area of all the churches and denominational bodies having duly constituted charges or other regularly appointed places of worship there.

The provision reflects the historical roots of school education as a religious concern. Schools were transferred from churches to elected school boards under the education acts of 1872 and 1918. In 1929, local government education committees were established. Section 12 of the 1929 Local Government (Scotland) Act required that education committees include members nominated by churches, and similar provision has been repeated in local government legislation since then.
Religious affiliation in Scotland

In the 2011 census, 37% of people had no religion, 32% were Church of Scotland and 16% were Catholic. There was considerable regional variation. The table below sets out the local authorities with the highest and lowest percentages.

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<tr>
<td>area</td>
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<tr>
<td>no religion</td>
<td>%</td>
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<tr>
<td>Church of Scotland</td>
<td>South Ayrshire</td>
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<td>Catholic</td>
<td>Inverclyde</td>
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Scottish Government Action

In response to the previous petition on this issue in 2013, the Scottish Government’s view was:

“Ministers support the involvement of religious representatives in the decision-making process by councils in relation to education and do not have any plans to change the existing provisions within the 1973 Act.”

(Scottish Government letter to Petitions Committee, February 2014)

The Scottish Government is currently holding a consultation on the governance of school education. It does not mention the make-up of council committees but focuses more on what can be run at school level and the possibilities for education regions.
Scottish Parliament Action
A previous Petition, PE1498, on this issue was lodged in 2013 by Colin Emerson, on behalf of Edinburgh Secular Society. The Committee received written submissions including; the Scottish Government, COSLA, the Scottish Parent Teacher Council, the Association of Directors of Education Scotland, the Church of Scotland Education Committee, the Scottish Catholic Education Service, the Educational Institute of Scotland, Interfaith Scotland, the Muslim Council of Scotland, the Equality and Human Rights Commission Scotland and the Humanist Society Scotland. These submissions are available on the Petitions website.

The Committee referred the petition to the Education and Culture Committee which, after noting a similar proposal in John Finnie’s proposed member’s bill, closed the petition on 6th May 2014. The Committee Convener, Stewart Maxwell stated:

“I tend to agree that if the member’s bill proposal by John Finnie progresses, it will provide a wide platform for detailed discussion and debate on the evidence for and against such a proposal. I think that that would be the best place to have the debate, rather than have the committee repeat what the Public Petitions Committee has already done. To urge the Scottish Government would achieve nothing, given that it has already expressed its view on the matter.”

John Finnie’s proposed Local Government Accountability and Transparency (Scotland) Bill, included provisions to remove religious representatives from local authority education committees. A draft proposal was lodged in November 2013 and a consultation held but a final proposal was never lodged. The Herald reported that the proposal was dropped as, of the 207 replies to his consultation, (including many pro-forma replies), only 17% supported the proposals. (Herald, 16th November 2014)

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09th November 2016

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