



The Church of Scotland

Church and Society Council

PE1498/F

Official Response

SUBJECT: CONSIDERATION OF PETITION PE1498
REQUESTED BY: Scottish Parliament Petitions Committee
REFERENCE: OR-2014/02
DATE: 14th February 2014
SUBMITTED BY: Rev Sandy Fraser, Convenor, Standing Committee on Education

The Church of Scotland Standing Committee on Education is grateful for the opportunity to respond to the two questions posed by the Petitions Committee following its meeting on 14th January 2104 where it discussed Petition PE1498.

What are your views on what the petition seeks and the discussions that took place at the meeting on 14 January?

The Church strongly challenges the view of the petitioners that the role of Church Representatives on Local Authority Education Committees is one of privilege. It would argue that the role is a reflection of the commitment and service of the Church to education for many centuries and a sign of a mature, inclusive democracy. The Church's commitment to education and equality of access to schooling has always been focused not on the life and the needs of the Church but of the Nation. This role is given to the Church not as a special position for its own sake, but is recognition of the continued service, commitment and the positive contribution made by the Church to education and so to the Nation over many years.

Reference is made by petitioners to the British Social Attitudes survey. 56% of Scotland's population affiliate themselves with a faith community¹. That gives the Church no "rights", but it does suggest that participation by faith representatives in decisions making structures is not inherently unrepresentative of the priorities of the majority of the Scottish population. The Church questions whether there is any evidence that, as implied by the petitioner, the 37% of the general population who have no religion² would automatically be opposed to the continuation of these roles.

¹ Scottish 2011 Census

² Scottish 2011 Census

In that regard, it is interesting that the petitioners, Edinburgh Secular Society, (ESS), are a body with membership below 50 whilst the Church of Scotland is a movement, according to the most recent census, over 1.7 million people specifically holding some affiliation to it³.

The Church would reject as pejorative the description of the document; “A Christian Vision for Education” as a manifesto. That has never been the way in which that document has been viewed by the Church and to suggest otherwise is to misrepresent the document which specifically says that its objective;

“is not to suggested a narrow view, exclusive to any faith group. The perspective we offer throughout is to raise issues of common concern in the common good of our society”⁴.

The Church rejects the implication made by the petitioner that the Good Practice guide for Church Representatives on Local Authority Education Committees is to encourage the promotion of the Church’s agenda for the benefit of the Church alone. Such a suggestion exposes the prejudice of the petitioners who seem to want to have sole say in deciding the motivations of others. The Good Practice guide is to assist in supporting the Church representatives so they can play their role effectively for the good of everyone, not simply the Church.

Representatives are chosen for their experience in education. Amongst those nominated there are former classroom and head teachers, parents involved in School Councils, former senior education officials, school chaplains, former senior education trade unionists and others. They bring that experience to decisions and an independent voice rooted in the local communities of which they are part. The Church’s General Assembly regularly emphasises how important it is that Church Representatives are suitably experienced, well trained and given all support possible.

The situation as described in Shetland over a school closure is simply inaccurate and the Church would urge to committee to ask Shetland Council itself for the proper account of events there.

The Church would challenge the idea that the appointment processes for the third Representative are “creaking” as suggested by the petitioners. For example; the third Representative in Shetland is a Baha’i, reflecting the strength of that community in Shetland and for many years the third Representative in Glasgow was from the Sikh community. The Church rejects the suggestion that these appointments are done by

³ Scottish 2011 Census

⁴ http://www.churchofscotland.org.uk/speak_out/education/articles/a_christian_vision_for_education

“informal agreements” between denominations as being without evidence. The petitioner’s own comments about the requirement of a vote for the third Representative in Edinburgh is itself evidence to the contrary.

The Church agrees that more clarity over the process for the appointment of third Representatives would be helpful but would suggest that the answer is not to get rid of them but instead to use this opportunity to regularise the process across the country.

What was the basis for the statement in the Church of Scotland’s Church and Society Council Report to the Assembly (2013) that “Church Representatives hold the balance of power on 19 Local Authority Committees”? Please explain in what way Church Representatives hold the balance of power on these Local Authority Education Committees.

The Church is very concerned about how this phrase in a much wider report has been portrayed by the petitioner and others but it would acknowledge that it holds some responsibility for its use of language in this case which has led to that interpretation. It could have expressed itself differently when discussing this issue and had it done so, the misinterpretation might not have occurred.

This comment in the 2013 report referred to above was not intended, as suggested by the petitioner, to be evidence of it “exercising influence” for the benefit of the Church. It was to recognise that that the advent of proportional representation in Local Government had brought a very different political context with far more coalitions and tight balances of power at a time when Local Government faced some very real and difficult decisions. Nineteen was the number of Local Authority Education Committees that the Church understood, at point of writing, where a Council administration had a majority on the Education Committee of three or less, three being the number of religious representatives on each Education Committee.

The point being made was that when votes were called, it was potentially much more likely that the outcome would be very close and that Church representatives had to be even more careful than ever before in discerning how best to use their votes wisely. They are strongly encouraged to make sure that they were as fully informed as possible of the issues and took on board full consideration of the wider potential outcomes of any decision. They are strongly encouraged to make sure that they explained the reasons for their vote during any debate prior to votes occurring to ensure clarity and transparency. The figure of nineteen has changed and continues to change as coalitions and local agreements between political parties change. It should be emphasised that none of those agreements involve religious representatives nor should they.

It should be made absolutely clear however, that whilst, when asked, the Church will offer advice and support; its representatives on Education Committees **are not in any way, shape or form, told how they should vote on any matter by any part of the Church decision making structures**. Nor is it the case that the three Religious representatives on any Council operate as a block or by some kind of whip in any way shape or form. Any suggestion to the contrary is simply untrue. In particular the suggestion by John Wilson MSP that Church of Scotland representative have used their vote to “veto” a joint campus is untrue. The Church of Scotland has supported the creation of joint campuses and has done so explicitly since 2002. If an individual Church representative has voted against a joint campus, they would have done so on the merits or otherwise of the particular case, not because they were following a corporate line.

The Church would argue that, far from being undemocratic, Church Representatives on Local Authority Education Committees are an example of how democratic decision making can and should include a wider range of representatives than simply those directly elected.

This is one of the key themes of the MacIntosh report which argued for greater participation by citizens, including in decision-making

Participation by the citizen; the scope here is for continued development of a whole battery of methods, not merely of formal consultation, but of giving the electorate opportunities to participate in decision making. Community Councils have their place, in this, as do decentralisation schemes, area forums, citizens’ panels, local referendums etc.⁵

The Commission goes on to say that “Council membership should be broadly representative of the composition of the Council as whole”⁶ The Church would argue that Church representatives assist in expanding participation and modelling how it can be achieved for others.

In 2001 the Church’s General Assembly said this;

“In the 20th century the Church has espoused devolved government and, in the last decade, the concept promoted by the European Union of subsidiarity (the exercise of power as close as possible to the people). In discussion of the new political settlement in Scotland it is too easy to concentrate on the Parliament and the Executive and thereby ignore what could be regarded as the democratic foundation of any such settlement - Local Government. It is our belief that this foundation needs to be valued and strengthened”

⁵ Report of the commission on Local Government and the Scottish Parliament p12

⁶ Report of the commission on Local Government and the Scottish Parliament p12

The principle of democratic subsidiarity does not stop at those directly elected but is best achieved when, through careful discernment, it involves the direct participation of a wide range of citizens as possible in the actual decision making process. This is an antidote to the increasing centralism that has been the trend in Scotland for the last 30 plus years which has seen Scotland moved from just under 200 elected Local Government entities that raised up to 50% of their own income locally to 32 unitary authorities with limited local income generation and now involves no direct taxation. That centralisation has significantly moved the balance from “participatory” democracy to a very singular form of “representative” democracy that is increasingly inaccessible to those affected by the decisions taken on their behalf. To remove those appointed to Council committees to represent the broader local communities would be a further step away from local participation towards an ever increasingly inaccessible centralism.

That is why the CoSLA commission on Strengthening Local Democracy has quite deliberately chosen a frame of reference that is broader than the more centralism “representative” model to explore how we can better “do democracy” in Scotland⁷. The Scottish Constitutional Futures Forum explores this further when it says “the march of centralism totally neglects the autonomy of local communities, their freedom to making policy-choices, of having an input into the running of their own affairs, according to the principle of subsidiarity”⁸

It is in this light that the Church welcomes the comments made by Ministers in their letter from the Scottish Government to the petitions committee on this matter which states that

“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.”⁹

The Church is grateful for this recognition of the positive contribution its representatives make to the democratic process. It would argue that as well as the decisions they contribute to with good effect, Church representatives on Local Authority Education, help expand our Nation’s collective understanding of what real civic democracy can look like.

⁷ <http://www.localdemocracy.info/why/our-work/>

⁸ <http://www.scottishconstitutionalfutures.org/OpinionandAnalysis/ViewBlogPost/tabid/1767/articleType/ArticleView/articleId/2464/Paddy-Bort-Putting-Local-Democracy-at-the-Heart-of-Scotlands-Constitutional-Future.aspx>

⁹ http://www.scottish.parliament.uk/S4_PublicPetitionsCommittee/General%20Documents/PE1498_C_Scottish_Government_10.02.14.pdf