

Petition No 1498

Response by petitioner on behalf of Edinburgh Secular Society to submissions by a number of organisations and individuals to its petition no 1498

Edinburgh Secular Society (ESS) argues for the separation of church and state and challenges religious privileges. The arguments put forward by ESS in the course of its campaigning may cause upset for some of those interests that benefit unfairly from current arrangements. This is an inevitable result of vigorous democratic debate. It is hoped that the adjustments in the language of this statement will lessen any offense that the Scottish Catholic Education Service (SCES) feels at previous statements in support of the petition. For clarity those comments referred to the hierarchy and priesthood and not to the laity of the church.

The Scottish Parliament was established in 1999 with wide powers in relation to education. Since then there has been no systematic parliamentary review of the way in which local authority education committees are composed. The Parliament has so far accepted, without any vigorous scrutiny, the relevant laws inherited from the Westminster UK Parliament and initially legislated for over forty years ago. This petition gives the Parliament an opportunity to debate whether it wishes to continue to support arrangements whereby some privileged external religious organisations are empowered to nominate nonelected persons as voting members of local council education committees. In the 29 mainland local authorities, the councils have to accept two of these nominees without any influence over their appointment but may exercise some limited influence over the choice of the third one.

In responding to submissions of the Christian churches ESS does acknowledge their historical role in building the current education system in Scotland. However, state funding and non-sectarian educational professionals have provided the firm basis of the high standards of the Scottish education system for more than a century. The Roman Catholic Church in Scotland in its educational activities must have played an important historical role in contributing to the educational success of Catholics and their near full current integration into Scottish society – an outcome which is well documented in recent research.

Appointments by the Roman Catholic Church

ESS is disappointed that SCES is offended by the *arguments* of the petitioners and that it avoids rational debate about some of the issues raised which it considers as **matters of 'doctrine'**. In previous submissions the petitioners highlighted the uncomfortable fact that the powers given by the existing legislation to the *hierarchy* of the Roman Catholic Church to nominate one member on each mainland Scottish local authority education committee means that Scottish bishops and archbishops,

who are appointed by, and under the influence of the Vatican, (a foreign power with representation at the United Nations), are the persons who make the relevant appointments. The discipline of the Roman Catholic Church over the hierarchy is evident in the current exile from Scotland of the previous Archbishop of Edinburgh and the appointment of his successor, a distinguished career diplomat in service of the Vatican state, who was appointed to this new post by the Pope, who is head an international religious community and a head of state. Like all members of the church hierarchy, these bishops and archbishops owe fealty to the Pope. A Parliament that values equal gender opportunities highly might be concerned that women, the greater **part of the population, are excluded from the church's hierarchy** that makes appointments according to law to Scottish council education committees.

Religious confession

ESS has no reason to challenge the quality of persons appointed as religious nominees to education committees by the Roman Catholic Church and the Church of Scotland. Both these churches probably have robust procedures for the selection, training and appointment of nominees. There must however be doubts about the quality controls that are available for local authorities in selecting the third religious nominee – doubts that are also shared by the Church of Scotland.

ESS is troubled by the undemocratic nature of the exclusive appointments by the Church of Scotland and Roman Catholic Church and is not convinced by the special pleading of the churches that appointees have something unique to contribute to the work of education committees that could not otherwise be obtained by fair and open competition. There will be numerous other individuals who could offer similar services. If local authorities feel the need for nonelected members of their education committees they should be free to select them in an open competition that is not restricted by confessional considerations. As was pointed out previously if Petition 1498 is successful and religious nominees were no longer compulsorily placed on education committees other laws would still enable local authorities, if they so wished, to select religious nominees of their choosing.

ESS is also reiterates that the requirement to have one Roman Catholic and one Church of Scotland nominee on education committees is an institutionalisation of sectarian differences between Protestantism and Catholicism. Why should it be a qualification for one nonelected member of the education committee that he or she accepts the spiritual authority of the Roman Catholic Church and the doctrine of transubstantiation while a second member rejects this confessional consideration and accepts the authority of the Church of Scotland? Does not the idea that there has to be one Protestant and one Catholic on every mainland education committee contribute to the assumption that such divisions are normal and of importance? How can religious sectarianism be effectively tackled if such arrangements continue?

Democracy

ESS does not accept special pleading of the two churches to retain their existing privileged ability to nominate members to education committees. ESS cannot identify other Scottish laws that impose religious nominees on other elected public bodies. Why should some religious organisations have a special right to impose their nominees on Scottish local education committees? If two religious denominations have that right, why not sports specialists, artists, business leaders, trade unionists – all groups which have relevant expertise for school curriculum and management? Elections are the mechanism that democracies use to generate representative arenas for public debate and making decisions on behalf of the citizenry. ESS does not accept the right of any group, religious or not, to place their nominees as full voting members on otherwise elected bodies.

ESS takes exception to the claim of SCES that nominees of the Catholic Church on **education committees ‘safeguard’ Catholic schools. This would seem to imply a veto** by the Church on the decisions of education committees or at least an influence beyond the one vote that such a member can cast. Such arrangements are not necessary to protect church interests. Should there no longer be religious nominees on a local education committee, churches and any faith group with a special interest in local schooling can approach the education committee, elected councillors, directors of education, head teachers or teachers about the relevant matter like any other citizen or organisation with an interest in educational matters. There is no need in a democratic system for churches to have special representation on elected bodies.

Equality

Various considerations concerning equal treatment for religion and belief are raised by the debate about this petition. Roman Catholic nominees constitute just less than one third of all religious nominees but adherents of that church compose 16 per cent of the Scottish population and in Aberdeenshire they nominate one member of the committee but have about 5% of the population. Almost all the nominees – even for the third position are Christians - with 5 positions out of 96 not filled by them. The **Scottish Parliament’s Time for Reflection which is designed to be inclusive is more** religiously diverse. And, of course, the 37 per cent of Scots with no religion according to the 2011 census are excluded from having representation through these channels. ESS appreciates the opportunity that the Parliament has offered to fully express its case and that of the petitioners. ESS concurs that with the view of the Equality and Human Rights Commission that it is time to review the relevant legislation on the composition of local education committees to ensure fulfilment of obligations with respect to religion and belief under the Equality Act of 2010. The letter from the Scottish Government does not deal with its responsibilities in this regard. Citizens look to Parliament to be an autonomous body which holds government to account and which is not beholden to powerful external interests. ESS suggests that *the*

appropriate next step would be for the Public Petitions Committee to ascertain the views of the Parliament's Equal Opportunities Committee as to whether it is satisfied that current arrangements for the composition of local authority education committees meet the Parliament's equality aspirations and public sector obligations under the Equality Act 2010. The 1778 signatories to the petition deserve no less a step.