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Submitted by Email to:
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**A response to petition PE01498: Religious Representatives on Local Authority
Education Committees**

Please find attached a response on behalf of the Humanist Society Scotland (HSS), as Scotland's leading voice for people in Scotland who wish to lead good lives without reference to religion, we value the opportunity to respond to this petition.

HSS would be happy to provide further evidence to the Public Petitions Committee. HSS agrees to this response being made publicly available.

Yours sincerely,

Gary McLelland
HSS Education Policy Officer

A response to petition PE01498:
Religious Representatives on Local
Authority Education Committees.

*Humanist Society Scotland represents the views of people in
Scotland who want to lead a good life without reference to
religion.*



Introduction

1. Humanist Society Scotland welcomes the opportunity to comment on petition PE01498. We thank the Edinburgh Secular Society for raising the issue for consideration by the Scottish Parliament's Public Petitions Committee. The principles of fairness, equality and democracy are important to humanists, which is why we believe that the appointment of unelected religious representatives is completely antithetical to these principles.

Historic role

2. Many contributors to the debate around religious representatives claim, wrongly, that these positions date back to the state taking over the administration of the school system in 1872. This is not the case, as was clarified by the Public Petitions Committee's SPICe briefingⁱ and comments by Chic Brodie MSP in the initial hearing on 14 January 2014ⁱⁱ. The position was introduced in 1929.
3. It has been claimed that the position of religious representatives on local authority education committees is in some way a reward for previous services by the churches. Even if this was the case, and there is absolutely no evidence to suggest that it is, it does not therefore follow that such statutory requirements are immutable.
4. When the Scottish Parliament was first established in 1999, the first debate in the chamber was in relation to the issue of whether or not to echo the Westminster Parliament in holding Christian worship, during the debate around the motion to introduce the current system of multi-belief Time for Reflection, Alex Salmond MSP, and future First Minister of Scotland saidⁱⁱⁱ;

"We must not just tolerate: we should be proud of an inclusive approach that is different from that which many institutions have had in the past."

Rt Hon Alex Salmond MSP, First Minister of Scotland

5. It is clear that the issues raised by this petition warrant a full and frank debate, and that the status quo is not an option. The HSS believes that the people of Scotland would be better served by a fully elected compliment of councillors on their various committees and groups, and that if religious individuals or organisations wish to have their views or preferences reflected, they can make use of the various avenues currently available to non-religious Scots.

ⁱ <http://www.scottish.parliament.uk/ResearchBriefingsAndFactsheets/Petitions%20briefings%20S4/PB14-1498.pdf>

ⁱⁱ <http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=8813&mode=pdf>

ⁱⁱⁱ <http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=4176&i=26789>



Democratic principle

6. In response to petition PE01498, the Scottish Episcopal Church suggest that religious representatives are democratically elected, as they are nominated through the internal democratic structures of their own organisation^{iv}. This is a specious argument.
7. According to the 2011 census, 0.4% of the Scottish population identify with the Scottish Episcopal Church^v, but they occupy 37.1% of the additional ‘third rep^{vi}’ positions^{vii}. This means that representatives from the Scottish Episcopal Church play an influential role in one third of Scottish local authorities, despite representing less than 1% of the Scottish population.
8. In their submission to the Public Petitions Committee, SCES rightly praise the time and commitment given by some members of the Roman Catholic Church in Scotland. The HSS does not wish to denigrate the hard work of many members of religious communities across Scotland, but the broader issue is one of fairness and equality.
9. SCES claim in their submission that the 1918 agreement whereby Roman Catholic denominational schools were allowed to retain their unique religious character is why religious representatives should remain. In fact the legislation to introduce both local authority education committees and the post of ‘religious representative’ was introduced eleven years later in 1929.
10. The submission by the Church of Scotland sought to clarify their position over the reported claim that they “...*hold the balance of power on 19 Local Authority Committees.*”^{viii}, but HSS believes their document shows the opposite. The Church of Scotland say they undertook a review of all local authority education committees “*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*”^{ix}. They then claimed this was done to ensure that their religious representatives took even more care than usual, while at the same time claiming to have no role in influencing the decisions made by those representatives. The Church of Scotland also seeks to refute the petitioners’ claims that the process for appointing ‘third reps’ is “*creaking*”, and cite as a positive example, the third representative in Shetland who is from the Baha’i community. HSS cannot see how this example supports their claim in any way. The 2011 census results show

^{iv}

http://www.scottish.parliament.uk/S4_PublicPetitionsCommittee/General%20Documents/PE1498_B_Scottish_Episcopal_Church_24.01.14.pdf

^v

http://www.scotlandscensus.gov.uk/documents/censusresults/release2a/rel2A_Religion_detail_Scotland.pdf

^{vi} <http://www.legislation.gov.uk/ukpga/1973/65/section/124>

^{vii}

http://www.scotlandscensus.gov.uk/documents/censusresults/release2a/rel2A_Religion_detail_Scotland.pdf

^{viii} Church of Scotland Church and

Society Council Deliverance to CoS General Assembly May 2013 p3/31 para 11.4.3

^{ix}

http://www.scottish.parliament.uk/S4_PublicPetitionsCommittee/General%20Documents/PE1498_F_Church_of_Scotland_14.02.14.pdf

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that members of the Baha'i faith in Scotland constitute less than 0.009% of the population^x, and significantly less than 0.7% in Shetland^{xi}.

11. As can be seen from Edinburgh Secular Society's evidence, many of the religious representatives are either schoolteachers, or have a professional interest in education^{xii}. HSS questions why these representatives should also have to be members of religious organisations.
12. HSS does not seek to restrict the right of religious people and organisations to express their views in the public arena. It supports the rights of all citizens to do so with equal opportunity.

Should there be humanist representatives on local authority education committees?

13. HSS does not and would not seek representation on local authority education committees, even if the appropriate legislation were changed. The Rev Ian Galloway (former moderator of the Church of Scotland's Church and Society Council) suggested on Newsnight Scotland on 14 October 2013 that secularists should be entitled to unelected places on local authority education committees. However the current legislation only allows for representation from religious organisations with "*churches and denominational bodies having duly constituted charges or other regularly appointed places of worship*"^{xiii}.
14. Not being a religious organisation, any non-religious belief group is explicitly excluded from this privileged position in local government.
15. HSS reiterates the petitioners' concerns that 'interfaith' representatives on local authority education committees may not be competent within the current legislative framework, and seeks assurance that the decisions made by those committees are legally sound.

Recommendations

16. HSS believes that the recommendations in petition PE1498 to repeal Section 124 of the Local Government (Scotland) Act 1973, and Section 31 of the Local Government etc. (Scotland) Act 1994 would greatly reduce the democratic deficit in local government in Scotland.
17. HSS notes that although this would remove the statutory requirement to appoint religious representatives, it would not prevent local authorities from doing so.
18. HSS believes that all members of local authority committees in Scotland should be duly elected members. Should local authority committees require evidence from non-members, such as expert witnesses, they should organise a deputation or evidence session as is standard practice across many other areas of local and national government.

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http://www.scotlandscensus.gov.uk/documents/censusresults/release2a/rel2A_Religion_detail_d_Scotland.pdf

xi

http://www.scotlandscensus.gov.uk/documents/censusresults/release2a/councilarea/KS209SCb_CA.pdf

^{xii} <http://edinburghsecularsociety.com/wp-content/uploads/2013/07/Religious-Reps-Edinburgh-Secular-Society-July-2013.pdf>

^{xiii} <http://www.legislation.gov.uk/ukpga/1973/65/section/124>

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19. While there are good reasons to have non-elected members on committees, like business representatives on audit committees or engineers on transport committees, the only way to ensure that local authorities represent the views and wishes of as many citizens as possible, is to allow the public to decide at an election who their representatives are.
20. HSS strongly urges the Public Petitions Committee to make recommendations for legislative change.

