

PE1498/C

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Ar faidhle/Our ref: POL/13201

10 February 2014

Dear Mr Howlett

CONSIDERATION OF PETITION PE1498

Thank you for your letter of 17 January seeking the Government's view on the Scottish Parliament Petition PE1498 and the discussion of the petition which took place at the Public Petitions Committee meeting held on 14 January. Petition PE1498 is calling for a repeal of section 124 of the Local Government (Scotland) Act 1973 as amended by section 31 of the Local Government etc (Scotland) Act 1974 in respect of religious representation on local authority education committees.

The composition of a council's education and other committees is for that council to determine, so long as it complies with all relevant legal requirements. During the Committee's discussion of the petition on 14 January mention was made of the Member's Bill proposed by John Finnie MSP, which would remove the statutory obligation on councils to appoint religious representatives to education committees and remove voting rights from unelected members of all council committees, as well as making other provisions regarding how councils conduct their proceedings. The Scottish Government believes that councils' decision-making processes should be open, accessible and transparent, and will consider the detail of the proposed Bill from that perspective should it be taken forward. The closing date for the consultation on the proposed Bill has been extended to 10 February.

From an education perspective, in accordance with the Education (Scotland) Act 1980 the responsibility for the delivery of education rests with local authorities. The 1980 Act provides for the establishment of denominational schools if this is desired by either the local authority or by representation from others. It includes certain requirements in respect of changes to the provision of denominational schools and the church has a role in the appointment of

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teachers in denominational schools. There is also a provision within the Act with regard to religious education in the curriculum and religious observance.

Therefore, the involvement of religious representatives, as set out in the 1973 Act, in the decision making process at local authority level provides support to the authority in discharging its duties in respect of meeting the educational needs of all children in their area and supporting the desire by parents for both denominational and non-denominational schools.

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.

Yours sincerely

Shirley Anderson
Scottish Government Policy Officer