PE1498/G

Andrew Howlett
Assistant Clerk to the Public Petitions Committee
Scottish Parliament
Edinburgh
EH99 1SP

11 February 2014

Dear Mr Howlett

CONSIDERATION OF PETITION PE1498

Many thanks for your letter of 17 January seeking the Commission's views on Petition PE1498, regarding the appointment of religious representatives to sit on local authority education committees.

The petition relates to the provisions in S124 of the Local Government (Scotland) Act 1973, as amended by S31 of the Local Government etc. (Scotland) Act 1994, which requires that representatives of particular religious organisations are given seats on local authority education committees. My comments here relate to the relevance to the petition of the duties placed on Scottish Ministers by section 149 of the Equality Act 2010 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012[1] which flow from section 149.   Section 149 of the Equality Act requires public authorities in Scotland to give due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between different groups
- Foster good relations between different groups

The 1973 Act (as amended by the 1994 Act) of course predates the public sector equality duties; however, the Commission believes that, as concerns have now been raised, an appropriate course of action for Scottish Ministers may be to assess whether these provisions and the policies and practices which flow from them meet the requirement to give due regard to the three elements of the Equality Duty listed above.

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[1] www.legislation.gov.uk/ssi/2012/162/contents/made

I hope this information is useful to the Committee. If I can be of further assistance, please don't hesitate to get in touch.

Yours sincerely

Alastair Pringle
National Director, Scotland