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Additional information:

This document accompanies the report to Council on 12 December 2023: Voting Rights of External Representatives on the Education and Children's Services Committee

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Voting Rights of Unelected Representatives on the Education and Children’s Services Committee – Responses to Survey, November 2023

This document accompanies the report to East Lothian Council on 12 December 2023, and provides the detailed responses submitted to the consultation. Names and contact details (Questions 1 and 2) of respondents have been removed. Additional correspondence relating to the consultation has also been included.

Q3. What is your interest in this survey? (parent/guardian, teacher etc.)	Q4. Do you believe unelected Trade Union representatives should retain their voting rights on the Education and Children's Services Committee?	Q5. Do you believe unelected religious representatives should retain their voting rights on the Education and Children's Services Committee?	Q6. If you have any comments or concerns you wish to express please provide details.
Resident and Council Tax payer	No	No	<p>If the voting rights of non-elected representatives are retained, any policy-related decisions should require a majority of elected representatives.</p> <p>If religious representatives are to retain membership (with or without voting rights), the Council should urgently consider which other groups should be represented on this Committee, and accorded the same status.</p> <p>I do not question the integrity of anyone either currently serving on the Committee or anyone who has previously served. Indeed, such commitment to public service should be applauded. However, the Council is right to question, and review, whether the current arrangement remains fit for purpose.</p>
Parent	No	No	I can understand them being a non voting member but not voting members
EIS Representative [position redacted]	Yes	No	Whilst Education and Children's Services is well represented by officers within these services there needs to be input from the union representing the teachers in our schools. East Lothian maintains that it has good working relations with the unions and that we work together to improve education for the staff and children. Removing the right for the union to vote on this committee flies in the face of the good working relationship that the teaching unions have with East Lothian.
Resident	Yes	Yes	There could be an argument for reducing the number of religious representatives. How many Faith schools are there in East Lothian?
Former head teacher and grandparent	Yes	No	Trade Union leaders have knowledge skills and understanding of the educational system therefore one assumes they will vote in the best interests of children, parents and, importantly school staff. Are Trade Union Leaders not elected to their positions by the people they represent. I think this is a strong idea that supports their voting rights.

			<p>Religious leaders should have no voting rights. State schools are supposedly non denominational and therefore there is no place for religious leaders on this committee let alone voting rights. This idea is anachronistic. As are religious schools.</p>
<p>This response is made on behalf of the National Secular Society (NSS). The NSS is a not-for-profit, non-governmental civil society organisation founded in 1866, funded by its members and by donations. We advocate for separation of religion and state and promote secularism as the best means of creating a society in which people of all religions and none can live together fairly and cohesively. We seek a diverse society where all are free to practise their faith, change it, or to have no faith at all. We uphold the universality of individual human rights, which should never be overridden on the grounds of religion, tradition or culture.</p>	No	No	<p>The NSS strongly supports removing the voting powers given to religious representatives on East Lothian Council's education and children's services committee.</p> <p>Religious appointees on councils are undemocratic, unrepresentative and unjustified. No one should be granted a privileged place in local democracy just because of their religion. While it remains a legal duty to appoint religious representatives, the NSS strongly recommends councils exercise their power to remove the voting privileges of religious appointees.</p> <p>The Local Government (Scotland) Act 1973 requires local authorities in Scotland to appoint three religious representatives to their education committees. At least one of them must be appointed by the Catholic Church and one by the Protestant Church of Scotland.</p> <p>This law is being increasingly questioned by local authorities. Last year Shetland Isles councillors criticised the requirement to appoint a religious representative, with Gary Robinson of Lerwick North saying the requirement was "quite frankly ridiculous in the 21st century".</p> <p>This year alone, five councils in Scotland have voted to remove religious representatives' voting powers: Orkney Council, Highland Council, Fife Council, Stirling Council and City of Edinburgh Council. They join Perth and Kinross Council, Moray Council and Scottish Borders Council in making their councils fairer and more democratic by removing these voting powers.</p> <p>We know many other councils are considering the same move. We urge East Lothian Council to follow suit.</p> <p>Like the majority of western democracies, Scotland has moved over the last two centuries from a patchwork of voluntary schools provided by religious and other charities, to a modern universal state-funded education system. Given this transformation – alongside radical changes to the nation's increasingly diverse and irreligious population – there is no justification for granting special voting concessions to religious appointees.</p> <p>What is needed is a system that is accountable and responsive to all of its citizens' needs. One where citizens of all faiths and beliefs can contribute to decisions about education, through both the democratic process, and by volunteering as governors, attending public meetings, or contributing to consultations and public debates.</p> <p>The simplest overriding argument against religious appointees is one of principle: if Scotland is to be a country where all citizens irrespective of background have an equal chance to participate in decision making, it cannot give one select group a privileged role.</p> <p>The system of religious appointees runs counter to democratic principles not only in that they are unelected by the voters, but that they are subject to almost no indirect democratic control. Councils must accept the appointments made by the Church of Scotland and the Catholic Church. A council may exercise some choice over the third appointee, but this process is extremely unclear and inconsistent. Reserving a special role in policymaking for representatives of specific religious institutions, and in so doing excluding the majority of Scottish citizens based on their protected characteristics of religion or belief, clearly runs counter to principles of equality. There is also a hierarchy of inequity, caused by one place each provided for Catholics and members of the Church in Scotland, while representatives of all other religions must compete for the remaining third place.</p>

		<p>The appointment system of one Catholic and one Protestant also entrenches outdated sectarian notions about the identities and divisions between the people of Scotland.</p> <p>The religious appointees do not speak for the vast majority of Scots. They serve to uphold the agendas of religious institutions, primarily the Church of Scotland and the Catholic Church.</p> <p>Scotland is increasingly irreligious and religiously diverse. The most recently available Scottish Social Attitudes Survey data shows that 58% of Scots (including 74% of 18–34s) have no religion.</p> <p>It should be noted that religious representatives on councils are not appointed by or answerable to religious citizens, but religious institutions. A wealth of evidence exists that religious organisations of all stripes diverge from the views of their ordinary members.</p> <p>Any arguments that religious representatives provide special moral insight are based on anti-atheist, pro-religious prejudice. This notion is a wholly illegitimate basis for public policymaking and an insult to the non-religious majority of Scots. If elected councillors value the moral insight of religious representatives, they would continue to be free to seek them even if religious appointees or their voting concessions were removed. Some religious appointees seek to promote extremely controversial views. This includes Dr Nagy Iskander, one of "Europe's most active creationists", who was reappointed to South Lanarkshire Council's education committee in 2018.</p> <p>No one disputes the historic role of churches in helping to establish Scotland's education system. But this is not a good reason for them to be given a special privileged voice in decisions about educational issues today. Churches have historically been very successful at lobbying and would continue to be well placed to do so even if their institutional privilege was removed.</p> <p>The pluralistic Scotland of today is utterly unrecognisable from that which existed before universal state education. Churches are now simply one voice among many and cannot expect that voice to be given the same deference as in centuries past.</p> <p>Contrary to common misconceptions, religious representatives are not necessary to protect the identity and interests of denominational schools. These schools already have many entrenched legal protections which negate any 'need' for religious appointees. The trustees of denominational schools have a legal duty to protect their ethos. Denominational bodies have the legal right to be consulted over any changes and play a central role in the formation of such schools' curriculum and policies. And teaching and leadership positions in denominational schools can be subject to religiously motivated selection by denominational bodies.</p> <p>For more information on this issue, please see our 2019 report 'Religious Reps: Unrepresentative, Unnecessary And Unjustified': https://www.secularism.org.uk/uploads/religious-reps-unrepresentative-unnecessary-and-unjustified.pdf</p> <p>Finally, we would like to raise our concern that it is not possible on the online form to omit the question regarding removing the voting powers of unelected Trade Union representatives. The form cannot be submitted unless an answer of "Yes" or "No" is given. Many organisations and individuals completing this form will be neutral on this topic, or the question will be beyond their remit, or they would prefer not to answer for another reason. The form should be modified to allow users to skip any questions requiring them to give their opinion, or to give a "neutral" answer. It should be noted that while there are arguments for removing the voting powers of unelected Trade Union representatives, Trade Union membership is not a protected characteristic, whereas religion or belief is a protected characteristic for</p>
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			<p>the purposes of the Equality Act 2010. This means that granting voting powers to Trade Union representatives is not incompatible with equality law. In contrast, in 2013 the Equality and Human Rights Commission raised the possibility that the statute on religious appointees may be incompatible with Section 149 of the Equality Act. This section requires public authorities in Scotland to “give due regard to the need to eliminate unlawful discrimination, harassment and victimization”, “advance equality of opportunity between different groups”, and “foster good relations between different groups”.</p> <p>Allowing particular religion and belief groups the right to appoint members of education councils, while denying others this right, fails to “advance equality of opportunity between different groups”. If the terms of the 1973 Act are incompatible with the Equality Act, then it may even fail to “eliminate unlawful discrimination”. The need for smaller minority religions to compete for the ‘third slot’, where the Church of Scotland and Catholic Church are granted automatic seats, has the potential to damage “good relations between different groups”. Such good relations can also be damaged by religious appointees’ support for sectarian denominational schooling or the tendency of more active religious members to be out of step with mainstream societal views on social issues. The commission recommended that: “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.”</p> <p>See: https://archive2021.parliament.scot/S4_PublicPetitionsCommittee/General%20Documents/PE1498_G_Equality_Human_Rights_Commission_11.02.14.pdf</p>
Head Teacher	No	No	
Head Teacher	No	No	
Teacher	Yes	Yes	
Head Teacher	Yes	No	
Teacher	Yes	Yes	
Parent	Yes	No	
Head Teacher	Yes	Yes	<p>The religious representatives perform an essential role as part of the Education and Children’s Services Committee in East Lothian. The Church representative is a full statutory member of the Education and Children’s Services Committee, therefore should have the same rights as the elected members of that authority.</p> <p>The Church Representative, acting on behalf of the Catholic Church, takes their responsibility very seriously, knowing they are there to:</p> <ul style="list-style-type: none"> -Represent the viewpoint of the Roman Catholic Church on education matters to the Local Authority on behalf of the Archdiocese. -Ask pertinent questions in Committee and use their vote on matters pertaining to education. -Be the point of contact between the Archdiocese and the Council when issues arise. <p>The church representative is in most cases linked directly with and works closely with the school being recruited to. They have a critical knowledge of the school context, staff, pupils, families and improvement needs.</p> <ul style="list-style-type: none"> -The Church wants every child to flourish and achieve their best in schools, so, there is the assurance that the Church is supporting the authority in attaining the highest standards for the schools and young people in East Lothian. <p>When the Church transferred its schools to state control in 1918, it was with the understanding that the state would take responsibility for</p>

			the schools and ensure that they would take cognizance of the denomination in whose interest the school is being run. In removing the rights of the church representative it potentially severs this link and the commitment made in 1918.
Principal Teacher	Yes	Yes	
Secularist	No	No	Religious people cannot, inherently, be unbiased and fair in their views so should not be given any control over fair and balanced education, whether elected or not. To grant them, or anyone, automatic voting rights without electors thinking they are worthy of them is grossly undemocratic.
Parent	Yes	No	Membership of religious groups is at an all time low and only looks to decrease further. They're no longer representative of the public at large, who are usually disagree with the religious perspective. Time to end this out of date practice.
Guardian	No	No	
Head Teacher	No	No	
Parent	Yes	No	Religious representatives have no place within councils Education and Children's Services committee never mind voting rights. I would like to see the removal of faith schools from within the state sector also. The religious over representation across all public bodies needs removing. It only continues to divide society. Society and education is well able to espouse values of kindness, compassion, trust, integrity etc without it being hijacked and promoted as 'Christian' only values.
	Yes	Yes	I can understand the Council wishing to remove the voting rights of unelected Council members, in the sense that there could be an occasion when the Council is forced into paying additional costs based on the vote of an unelected member of the education committee. And that this feeds into the assumption that only those elected members should have the right to vote. Having said that, each of those (unelected) members will have been elected or put forward by their respective organisations to represent the views of that organisation and/or safeguard the rights of their members. In future, what plans will have to be put in place to ensure the views and rights of those other organisations are taken into consideration, before a final decision is made?
I am an educational psychologist with 45 years of involvement in public education and Council education services	Yes	No	I have long held the view that it is inappropriate for representatives from (some) churches to have rights to vote on Council education committees. It is undemocratic, unrepresentative, and unjustifiable. I hope the practice is ended by East Lothian Council.
Parent and member of community	Yes	No	Trade union reps represent thousands of teaching/learning and social care staff and therefore have constructive and representative views relevant for this committee. I do not have any reassurance nor knowledge that a religious representative is either knowledgeable or democratically representative to sit on such a committee. There is no apparent framework to describe which religions are represented and therefore there is an equality issue. nor do I have any confidence that the religious representatives are objective in their voting when issues may arise that conflict with religious

			beliefs. I don't believe religions have the monopoly on positive human characteristics and values and therefore I do not see the reason why they should have voting rights in the direction of services for education and children and young peoples services.
Citizen	No	No	
Parent	No	No	
Parent	Yes	No	The link to trade unions should stand as it links to industry who will benefit from good education. The religious representation is an outdated, undemocratic policy, which is contrary to aims of equal rights in a secular society.
Citizen, father	No	No	Accountability is key. With rights come responsibilities. Those responsibilities can only be justified where direct accountability is to the electorate.
Parent – children now in 20s, left school	No	No	If religious representatives ARE to be included, then i believe a representative from EVERY SINGLE religious faith should be included and not just 2 from only christian faiths (Catholic and Church of Scotland- which generally have very opposing ideologies), as the UK can no longer be called a majority Christian country, as well as Humanist representatives. The present system is quite unfair to non Christian faiths. However, this would not be at all practical, therefore the elected council members should be trusted to be perfectly capable of expressing their and all views of a modern and inclusive society. I believe that our education system should be secular, and it is up to parents to educate and involve their children in a faith. I am not per say, against a Trade Union member being included, but, if the Religious members are to excluded, and then it doesn't seem right to have any unelected members.
Parent	No	No	If special interest groups wish to be represented on public bodies on local, regional or national authorities they should stand representatives for election and allow the electorate to decide.
Parent	No	No	Unelected officials should have no voting rights on a body that has decided to operate with democratically elected officials. There could be some argument for these individuals/organisations to have access to the committee in an advisory capacity....but that should be the case for any organisation or member of the community with an interest or concern that this committee deals with.
Parent	Yes	No	
Previous parent	Yes	No	I can't think of any reason that justifies unelected people from religious institutions being on the committee and holding voting rights.
Parent	No	No	The elected representatives are the only people who should be able to vote. That is the only democratic. The trade union reps and religious reps are not voted by the public and therefore should not have voting rights, nor even be involved in the committee.
Grandparent and pupil mentor	Yes	Yes	These positions are enshrined in law and are very important to the people they represent. In an increasingly troubled world it is important to keep the values we have and not be coerced by active minorities.
Local resident	Yes	No	
Grandparent	No	No	Local Democracy like National Democracy is under threat. Elected members are answerable to the electorate and can be re or de selected. Religious leaders should concentrate on leading their dwindling religious communities. The majority of people in Scotland are nonreligious.

Local resident	No	No	We should be a secular society, with true democracy
Improving education	No	Yes	Religion and faith should play a more significant role in the lives of young people.
Parent	Yes	Yes	The removal of this will mean "elected" members will do what they wish with no regard to the consequences, allowing unelected members to vote ensures money is spent effectively and consideration is taken on the impact of teachers, children's and the ethnic groups within education. While elected members should already do this councils are removing more and more investment from schools and the pressure to save money should be challenged.
Parent	No	No	Unelected members of the committee may have conflicts of interest so shouldn't be entitled to vote. There is not place for religious representation in state education that should be secular.
Parent	Yes	Yes	Power to the people not just those "elected"
Parent	No	No	Whilst religious education is an essential part of learning for children (and adults), i firmly believe that the education system and curriculums should not be shaped or influenced by religion. I am fundamentally uncomfortable with the idea of unelected members being allowed to vote on education and it's not clear to me why a trade union rep would be allowed to do this.
Parent	Yes	No	Religion should not be brought into education. There is no longer a place for it when the majority of parents and pupils are now either agnostic or atheist.
Parent	No	No	
Parent	Yes	Yes	I feel that retaining voting rights for these individual groups offer valuable input out with elected members board. These wider voting rights offer employees a sounding board in terms of their chosen trade union, removing such rights would potentially remove support for individuals.
Guardian	No	No	I do not agree with unelected members as we are not aware of what they stand for and might not have the same values.
Parent	Yes	No	I think it is important for trade unions member to be part of the committee, this is to ensure that the staff of children's and learning are looked after as well, although maybe the trade union members maybe should be voted in.
Parent	No	No	
Parent/teacher/ Catholic Clergyman	Yes	Yes	East Lothian, despite the SEIC collection of regions, is distinct from Edinburgh and suspect this vote has come about in the misplaced belief that we should be copying Edinburgh on everything. We most certainly should be standing back and thinking for ourselves. Trade unions are a voice that matters and to turn your back on them is to turn your backs on those providing the service for which we are all

			<p>generally quite passionate about.</p> <p>And with an ever more secular world looking to punish the Christians, underpinning of our very society, it is worth being aware of the huge popular demand for catholic schools. If parents want to choice catholic schools over non denominational schools, why would you force closure on the voting rights that represent this group of society.</p> <p>Should there be a huge movement of electorate demanding a removal, or inappropriate and stiffening of resolve against what catholic schools offer, an open and fair discussion could be held. But with no damage caused by voting rights, by knowing they indeed represent the interests of a huge proportion of the electorate in East Lothian, there is no logical reason to be wasting time (and hence money) on such a pointless exercise.</p> <p>If there is so much spare money that you can afford the time and resources for this, please divert that budget into the crippled teaching budgets departments have faced year.</p>
Parent	No	No	
Resident of East Lothian	Yes	Yes	
Parent	Yes	No	
Pupil	Yes	Yes	<p>Religious groups, while having an important voice cannot be said to speak for a large number of people in East Lothian and are likely to bring their own personal biases and thoughts into play.</p> <p>I would support representatives of teaching unions still retaining voting rights.</p>
Parent	No	No	
Parent	Yes	No	<p>Trade Unions are democratic bodies and their representatives will be chosen in line with these principles to represent the views of their members: the teachers who are actually there in the classrooms. Their views should be given significant weight hence why they should have votes.</p> <p>Religious representatives should be able to make their views know in the same way that any concerned organisation can. If we aspire to live in a secular society with freedom of religion then this includes freedom from the state imposing particular religious views on school children.</p> <p>It is past time any temporal authority be removed from churches.</p>
Private individual	No	No	I object strongly to any non-elected representatives on the committee having voting rights
RE Advisor	Yes	Yes	<p>The religious representatives perform an essential role as part of the Education and Children's Services Committee in East Lothian. They are a full statutory member of the Education and Children's Services Committee, therefore, have the same rights as the elected members of that authority.</p> <p>The Church Representative, acting on behalf of the Catholic Church, takes their responsibility very seriously, knowing they are there to:</p> <ul style="list-style-type: none"> -Represent the viewpoint of the Roman Catholic Church on education matters to the Local Authority on behalf of the Archdiocese.

		<p>-Ask pertinent questions in Committee and use their vote on matters pertaining to education. -Be the point of contact between the Archdiocese and the Council when issues arise.</p> <p>It is advantageous for East Lothian Council to allow the Church Rep to have the vote as:</p> <ul style="list-style-type: none"> • They benefit from their knowledge and expertise in educational matters as all have retired from a long career in teaching, most commonly, in senior leadership positions. • The partnership working forged between the local authority and the Archdiocese is very important for getting the viewpoint of the wider community across to the authority. • The Church wants every child to flourish and achieve their best in schools, so, there is the assurance that the Church is supporting the authority in attaining the highest standards for the schools and young people in East Lothian. • When the Church transferred its schools to state control in 1918, it was with the understanding that the state would take responsibility for the schools and ensure that they would take cognizance of the denomination in whose interest the school is being run. In 1929, the Churches were given statutory representation on education committees and that has remained to this day. This means the partnership between the Catholic Church, through the guaranteed role of the Church Representative, is essential to ensuring that the trust the Catholic Church placed in the state is acknowledged and strengthened through a robust partnership where the Church Rep has a vote on matters pertaining to education in East Lothian Council. • Although it might be presented as such, this is not merely an administrative matter to remove the voting rights of the Church Representative. Instead, it can be seen as an attempt to sever the legally binding partnership that was made between the Church and state in 1918. • Without voting rights, the Council are paying lip-service to the law and Church Representatives are unable to discharge their full role. Without voting rights, it is difficult to see how committee members can participate in the ordinary functions of the committee, as the primary legislation requires. • In recent years, there have been very few issues taken to a vote by Councillors and Church Representatives on the previous Education and Children’s Services Committee. Engagement through debate and dialogue has been the way forward to ensure that the Catholic Church and the Local Authority can work in partnership. • When there is a need for a vote, this responsibility will be taken seriously knowing that their vote has consequences for the schooling of the children and young people in East Lothian. • The Church Rep for the Archdiocese does not work in a block voting way with the other religious representatives. Each religious representative is there to represent their own religious community as they will have a different outlook on some educational issues. Regardless of the religious group they are representing, all will be voting for the best outcome for the pupils and schools in East Lothian. • The proposal suggests that only Councillors should have a vote on Education matters as they are elected officials. Although the Church Rep is not elected by the general population in the same way as Councillors, they go through a stringent process before they are recommended for this post to East Lothian Council. Should the House of Lords all lose their voting rights as they are unelected? • Like Councillors, Church Representatives are accountable to the parents and families who choose Catholic schools. They speak and vote on behalf of a significant community who do not always get their views represented. • The Catholic community know that the Church Rep is operating on their behalf and contributing to ensuring positive outcomes for the children and young people learning in the Catholic schools in East Lothian. As such, there is full support of their entitlement to vote on educational matters amongst the Catholic community. • Surely a contribution of this nature in committee enhances open and transparent governance on the part of East Lothian Council? <p>The Church Representative furthers public knowledge about local government policies</p>
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East Lothian resident and elector	Yes	No	
Parent and citizen	No	No	The granting of special influence and privilege to unelected members of special interest groups (whether that be organized labour, or religious denomination) is antithetical to democracy. How is this still a thing?
Parent	No	No	
Parent	No	No	<p>I do not believe that schools should have religious influences at all, we are an atheist family and believe in secular education with provision made for pupils who wish to practice their religion in school (eg prayer). But religion is a personal family matter and has no place being taught or pushed as a narrative. Navitivity plays push a Christian world view. Religion should not influence education.</p> <p>Unelected representatives is undemocratic. They should be elected and reviewed annually.</p>
A keen interest in equality	No	No	It is, in my opinion despicable that this is still in place in our country. It should be across country banned.
Humanist	No	No	Religious and political bias have no place in education in 2023
Parent	No	No	<p>Religion should play no part in education at all.</p> <p>Also if politics are involved then alternative views should be encouraged.</p> <p>Not just those from one narrow viewpoint of the trade unions</p>
National representative group for humanists and the non-religious	No	No	<p>At Humanist Society Scotland we are committed to representing the views of Scotland's growing non-religious community. Research from February 2022 shows that 67% of people in the Lothians Scottish Parliament region are non-religious and we expect the publication of the 2022 census results in 2024 to replicate these findings. We have a membership of over 17,000 people in Scotland, with an active humanist group meeting across Scotland every month. We also provide humanist funerals and weddings across East Lothian every year, helping people mark key life events according to humanist principles and beliefs.</p> <p>We are very pleased that the council is undertaking a consultation to seek views on the role of religious representatives. We feel this shows a commendable desire to engage properly with public opinion on an important matter of local government policy. It is fair that council members hear from, and consider, a wide range of views. It should also be noted that in the context of the council's public sector equality</p>

duty, not being a member of a religious group is a protected characteristic in the same way as being a member of a faith group. [Equality Act (2010) Section 10: '(1) Religion means any religion and a reference to religion includes a reference to a lack of religion. (2) Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.']

Why religious votes should be removed

We would like to explain why Humanist Society Scotland feels the current arrangement regarding religious representatives' voting rights is undemocratic and unrepresentative, and how this problem can be solved.

Firstly, there is fundamental question for councillors to consider here regarding democracy and accountability within the decision-making process on local education. Religious representatives are appointed by faith groups with no direct accountability to the East Lothian electorate. Yet they still have voting rights on decisions that affect the lives of many of East Lothian's citizens: not just on issues affecting denominational schools but on all education business, including management of the non-denominational school network. This is a particularly important topic given that the proportional representation system used to elect council members means that non-elected voting committee members can hold the balance of power on key decisions. In Perth and Kinross, for example, a vote on school closure went against the majority view of elected councillors because of votes cast by religious representatives.

Secondly, the provision of three spaces does not take into account the range and complexity of beliefs and views across the region. There are currently three places for religious representatives on East Lothians's Education and Children's Services Committee. At the time of the last census, over ten years ago, there were 190 different religious denominations reported by the public across Scotland. Given other published research on religious diversity such as the findings of the England and Wales 2021 Census, this diversity is likely to have increased in the intervening years. It would be impossible to reach a position where every relevant denomination and belief group was represented on your education committee.

Thirdly, it is unfair for religious and belief groups to have special privileges when many other non-governmental organisations have relevant views and knowledge regarding education in East Lothian. For example, third-sector organisations and community groups may well have relevant opinions and input on schooling and education but they are afforded no committee spaces or voting privileges.

Our second and third points do not imply that the range of groups and individually directly represented on the Education and Children's Services Committee should be increased. Rather, it is the role of elected councillors to take the varying views just listed and more into account when making decisions: that is the proper and democratic way to run government. Councillors are elected by the people of East Lothian to represent them and to make decisions, and they are held to account for those decisions through local elections.

Practical steps to removing religious votes

It is important to emphasise, as you know, that there is no legal duty or binding precedent for religious representatives on your education committee to have voting rights. We accept that councillors are under a statutory duty to appoint these representatives, through the Local Government (Scotland) Act 1973. But the Scottish Government clarified in 2019 that there was no obligation for these representatives to have voting rights, and it is in your gift to remove them. A number of local authorities such as Perth and Kinross, Moray, Orkney, Highlands, Edinburgh, Stirling, and Borders have removed religious representatives' voting rights; other councils are currently considering doing so.

			<p>We mentioned earlier a solution to the issue of undemocratic religious votes on local education committees. To return to that point, we believe the role of the statutory required religious representatives on local education committees should be close to that of an observer, able to offer relevant opinions and views where relevant, but without to power to override the views of democratically elected officials</p> <p>Inaccuracies in religious representations on school votes</p> <p>We are aware that you will receive representation from the Archdiocese of St Andrews and Edinburgh regarding this matter. However, statements made by the church leadership on this matter contain a number of inaccuracies that should be corrected.</p> <p>For example, in their submissions and statements on this matter Archdiocese representatives often refer to “the denomination in whose interests the school is being run.” This fails to acknowledge that all schools, including denominational ones, have a wider legal responsibility for all children to be accommodated, whether or not they are a member of said denomination. Denominational schools are not, as some would suggest, religious schools for religious families.</p> <p>The Archdiocese has also referred in the past to a “legally binding contract” between the Catholic Church and the state. There is no such contract. An act of parliament from 1918 allows for the state to operate a system of denominational schools, including Episcopal, Jewish, and potentially other types of schools. This is not the same as a two-way “contract” that would bind the state in perpetuity. In fact, the current situation reflects the desire of legislators in 1918 to assist pupils in schools that were under-resourced. The historical and parliamentary records of the time show concern for the condition of schools run by such religious groups, as well as the quality of the teaching, which was widely recognised as poor. The state was therefore motivated by concern for children rather than the needs of the church to establish the denominational school system.</p> <p>The Archdiocese has also implied on this topic that the appointment of religious representatives to local education committees was a “key part of the arrangement” of the state running denominational schools. This is not the case. The provision placing church representatives upon education authorities was included in the Local Government Act 1929, passed eleven years after the 1918 act transferring denominational schools to the state.</p> <p>The Church of Scotland have likewise shared their position on votes for church representatives in the media. They note that because these votes are not often utilised the issue is not an important one. They also note that many representatives bring a wealth of knowledge as retired teachers or through other education roles. Of course this fundamentally misses the question of democratic accountability and the reason for the church reps having a voting right in the first place. The representatives of the church - as experienced as some of them may be - are sitting on your committee by virtue of their faith and their faith alone. They are not appointed through a recruitment process on the basis of qualifications, nor are they accountable to the people of East Lothian.</p> <p>We ask, for all the reasons stated above, that you commit to removing religious representatives’ voting rights. We are aware of East Lothian’s reputation for democratic institutions and processes. This must apply to all aspects of the council, including the procedures of the education scrutiny committee.</p>
Concerned individual Buddhist	No	No	No one who is unelected should be allowed to vote on my behalf. I am entitled to make my own decisions

Grandparent, retired CDO	No	No	
Scottish Humanist Member	Yes	No	Religion has no place in a modern secular society. Trade Union representatives are there for a different purpose
Grandparent	Yes	No	Trade Union reps have intimate knowledge of education and hold the views of teachers. Religion should be part of the curriculum to allow children to make informed decisions but indoctrination should not be allowed. The choice whether to follow a religion should be made by parents initially and the individual ultimately when they have the unbiased information.
Citizen	Yes	No	Religious organisations should not be given access to children in our education system. There intention is to indoctrinate them in an ideology which in no way helps the kids education. All religious groups represent a minority in our society and religion has nothing to offer our society in terms of progress or morality. Trade Unionists is a completely different matter from religious organisations but I am not quite sure for this survey what their role is but at least they represent a membership not based on a religious ideology.
Member of the public	Yes	No	Question 4 - "unelected trade union representatives", these representatives are elected by the members of the respective trade union? They represent their members and are arguably more democratically elected than our own politicians?
Parent	No	No	
	No	No	
Parent	No	No	In 2019 the Scottish Government clarified that there was no legal need for faith advocates to have voting rights. Since the start of May, five councils (Edinburgh, Stirling, Fife, the Highlands and Orkney) have voted to remove this religious privilege from their statute books. As an increasingly secular society, my belief is that decisions on children's education should be reserved for elected members and education professionals. Currently church ministers have more say in determining local education policy than teachers or parents which is both archaic and undemocratic.
Parent	No	No	I find it entirely disturbing that we have unelected religious representatives voting on our children's education.
Resident	Yes	No	There should be no separated education based on religion in this day and age. This creates division from an early age.
Humanist Society member	No	No	All representatives (regardless of whom they are representing) should be elected.
Guardian	Yes	No	
Concerned about the education of future generations	No	No	
Parent	No	No	
Parent	No	No	

Ex-teacher and concerned citizen	No	No	Religion, any religion, should be taught at home. Schools should be totally separate from all religions & children of any faith or none should be allowed in schools. Therefore no religious bodies should have any say on what is taught or how it is taught
Parent	No	No	<p>The power of unelected representatives who hold a very specific agenda including trade union representatives but in particular religious representatives is an undemocratic and outdated concept.</p> <p>Religion holds no place in the classroom except to inform children broadly that many different religions exist and that they each honour their respective supernatural deities in different ways.</p> <p>As a Humanist, I believe religion should be kept out of the classroom and kept within the privacy of each families personal life.</p>
Interest in the democratic process	No	No	only those given a mandate at the ballot box should have a vote on Local Government matters.
Foster parent, grandparent	Yes	No	I am deeply concerned by religious organisations increasing interference in health and women's rights in general. I do not think it is appropriate to continue religious voting rights given that they represent so few local people now that church attendance is so low and that this can raise conflict around children's rights to a broad social education. This appears to be a legacy issue which is inappropriate in modern society.
Parent	No	No	Unelected religious representatives have no place in decision-making on education policy. There should be representatives that actually represent the young people that the policies discussed and agreed in the committee are for, the young people themselves and possibly parents/guardians. There should be no religious representation whatsoever unless they are democratically elected by the people of East Lothian.
Parent	No	No	<p>As an East Lothian resident and parent, I find it galling that a voting right even exists for unelected representation on committees. By definition being unelected means that they do not represent anyone except their own narrow set of beliefs, clouded by centuries of prejudice. When all churches fully embrace equal rights for all and allow all members of society to fully engage in all their practices then, and only then, might they have a voice which might be considered to have a place in that society.</p> <p>Given the decline in both church attendance and the percentage of the population who state they have no religion now outnumbering those who belong the CoS or RC churches, it is clear that organised religion is in its death throes; I hope that this consultation further demonstrates this, and these bodies should have no place in our elected institutions, nor any place in the country's governance.</p>
Parent	No	No	
	Yes	No	
Parent	No	No	I strongly believe in the democratic process and it is completely undemocratic to allow any kind of unelected representative whether they are religious or not, to have voting rights on any council committee. These should be removed in line with the other forward thinking, councils in Scotland that have removed these rights.
Product of East Lothian education	Yes	No	In a modern Scotland I see no reason why religious representation should play such a prominent role in our children's education system. I was alarmed when another Scottish council's education committee decided to close a local primary with the decisive vote coming from the

system. Mature student with family in East Lothian			committees religious representative - a decision since overturned after appeal. Churches, like others, can influence our elected councillors through argument and campaigns, they should not have voting rights. In contrast I believe that those working in education should have a say in how it is managed, therefore I would retain voting rights for trade unions.
Grandparent	Yes	No	
Grandparent	Yes	Yes	
Interested party	No	No	It is ridiculous any non democratic party should have any voting rights in these committees, in particular religious parties.
Secularist & humanist	No	No	
Church of Scotland Minister	No	No	As a Church of Scotland Minister I don't think that Church representatives should have voting rights as this goes against democratic accountability. I have worked in many schools in many ways as a resource to the school and link with the wider community and this seems a very useful role. One Head Teacher called me a 'friend of the school' while others used the more formal idea of Chaplain. This seems to me to be a constructive relationship welcomed by both Primary and Secondary Head Teachers
Grandparent	No	No	Unelected bodies of any kind having voting rights on any subject is undemocratic and medieval.
Parent	Yes	No	While trade union representatives offer a valid collective voice for the staff they represent, there is absolutely no reason in the modern age that religious representatives should have any influence on state funded compulsory educational matters. If a person chooses to follow a religious belief, that is their personal right and they have every opportunity to pursue that as a private matter. They should not however any influence over the education of impressionable children whose parents do not want religion impacting on them. Religion is a personal choice just as much as it is a choice to not follow a religion and the default position that religious representatives should be afforded influence is outdated and against the freedom of someone to decide they do not want to follow religion.
Parent	No	No	
Parent	No	No	It is undemocratic to have unelected representatives voting on education committees. I feel particularly strongly that religious representatives should not be voting on matters of education - education should be secular. It is outdated to have Christian representatives exerting their influence on education.
Parent	No	No	
Parent	Yes	No	You haven't said how many committees representatives are actually elected. In fact, this survey is very lacking in information so it seems like you will get a lot of uninformed opinions- perhaps the way you phrase the questions without information is with the intention of getting knee jerk reactions to the idea of unelected people having a say. I don't like the idea of churches influencing decisions as I am no longer religious and don't feel religious principles are necessarily the best ones to inform educational decisions. I assume Trade Union representatives are elected by the Trade Unions and provide a certain kind of important voice relating to staff wellbeing which will affect the quality of education.

Concerned citizen	Yes	No	
Resident of East Lothian	No	No	Voting is a privilege that should be extended *only* to elected representatives, neither trade unions nor religious affiliates have any place interfering in such matters.
I'm a young woman of childbearing age, planning to become a mother in the future	Yes	No	<p>Unelected religious representatives should not have voting rights on an Education and Children's Services Committee for several important reasons. Firstly, such a committee should prioritize the best interests and well-being of all children, irrespective of their religious background. Allowing unelected religious representatives to vote may introduce bias and prioritize the interests of specific religious groups over others.</p> <p>Secondly, education policies should be based on evidence, research, and the needs of the broader community, rather than being influenced by specific religious doctrines. Unelected representatives may introduce religious ideologies into decision-making, potentially compromising the secular nature of education systems.</p> <p>Finally, granting voting rights to unelected religious representatives could undermine the principles of democracy and representation. Elected officials are accountable to the public through the democratic process, whereas unelected representatives may not have the same level of accountability and transparency. In order to maintain a fair, inclusive, and secular education system, it's crucial to keep unelected religious representatives separate from the decision-making process on Education and Children's Services Committees.</p>
Retired teacher	Yes	Yes	
Citizen	Yes	No	The religious beliefs of specifies religions represented on the Committee should not be allowed voting rights in our modern world, although their views can still be expressed and considered by the Committee. The religions represented should be as wide as possible.
Parent	No	No	Trade Union and religious representatives should have no say in any matters relating to the council or education. These representatives should stick to their day jobs.
Humanist	No	No	It seems to me that it is undemocratic for unelected persons to have the right to influence such matters.
	Yes	No	
Parent	No	No	
Grandfather	No	No	The unelected membership is now an anachronism and should be ceased
Catholic Priest [<i>position redacted</i>]	No	Yes	<p>First, I wish to clarify that my negative answer to question 4 doesn't represent a firm view. It is just a statement that I don't have any informed opinion on the subject one way or another.</p> <p>Regarding question 5, I have both an interest and an opinion. An interest because, in my role as a priest, I have oversight of Catholic education in the St Andrews and Edinburgh Archdiocese. And an opinion because, as a Catholic and as a citizen, I think it's important that the Catholic community retain some influence over decisions directly affecting Catholic schools.</p> <p>This is not special pleading for my own religious community; it's simply common sense. Nor is it, as some would suggest, an affront to</p>

			<p>democratic accountability - although, I admit, it might look like that to someone with an excessively theoretical approach to politics.</p> <p>If a Catholic representative was voting on matters that did not affect Catholic education in any way, that would be an issue in terms of democratic integrity and accountability. But if they are using their vote to make sure that the Catholic Church continues to have an effective say in matters pertaining to Catholic schools, surely that can only be right and proper?</p> <p>After all, in a democratic system, having a voice is of limited value without also having a vote. Voting is how I make my voice effective. Surely we can't seriously be saying the Catholic Church shouldn't have an effective voice on the Council when it comes to decisions affecting Catholic schools? Surely the very denomination in whose interests the school is being run ought to have the power to bring its voice to bear on the democratic process?</p> <p>I hope Councillors are able to take a common sense approach here, rather than appealing to democracy as an abstract principle without adequately considering practical realities, or (which would be worse) simply falling in with what other Councils have recently decided. I hope they will draw a line in the sand and vote to retain voting rights for religious representatives.</p>
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[Redacted]

Councillor Cher Cassini
John Muir House,
Brewery Park,
Haddington,
East Lothian,
EH41 3HA
11th November 2023

Dear Cher

I read in the Musselburgh Courier about the proposal that East Lothian Council should remove current voting rights of the religious representatives on the Education and Children's Services Committee. I think results from the consultation, which hasn't been widely advertised, are likely to be presented to the full council on Tuesday 12th December.

I understand from my Church that when the Catholic Church transferred its schools to state control in 1918, there was an understanding that the state would take account of the views of the denomination of the school. The move of Catholic Schools into state control was seen as a partnership between State and Church, represented in the Church representative's role on the committee, giving them a voice and a vote on education matters in schools in East Lothian.

I am a Catholic constituent, with previous involvement in Our Lady of Loretto primary school, Musselburgh. I am really worried that if this motion is passed and voting rights are removed, that this will affect both the partnership relationship between the Catholic Church and council, as well as affecting the direction, particularly the ethos, of our Catholic primary schools in East Lothian.

I understand this is being presented, and is possibly seen as only an administrative matter. I'd argue however that it's actually challenging and altering the legal arrangements made over one hundred years ago between the Church and state in a less than transparent way.

Our Church representatives sit on, and vote, on the Education and Children's services committees as representatives of us and our young people. I really hope that you can demonstrate your commitment to Catholic schools and Catholic education in Musselburgh and East Lothian, which many of your constituents use and support, by arguing for, and voting for, voting rights to be retained.

I look forward to hearing from you.

Warm regards,

[Redacted]

[Redacted]

November 2023

Dear Councillor To THE HEAD OF THE EDUCATION AND CHILDRENS SERVICES

You will be aware that there is a proposal around whether East Lothian Council should remove or retain the current voting rights of the religious representatives on the Education and Children's Services Committee. It is expected that the results of the consultation this will be reported to Council at a meeting on 12 December.

When the Church transferred its schools to state control in 1918, it was with the understanding that the state would take responsibility for the schools and ensure that they would take cognizance of the denomination in whose interest the school is being run.

This means the partnership between the Catholic Church, through the guaranteed role of the Church Representative, is essential to ensuring that the trust the Catholic Church placed in the State is acknowledged and strengthened through a robust partnership where the Church Representative has a vote on matters pertaining to education in East Lothian Council.

As a Catholic constituent, I am concerned that, if this was passed, it would weaken this partnership and impact upon the running and direction of the four Catholic schools in East Lothian. Although it might be presented as such, to remove the voting rights of the Church Representative is not merely an administrative matter. Instead, it can be seen as an attempt to alter the legal arrangements that were made between the Church and state in 1918.

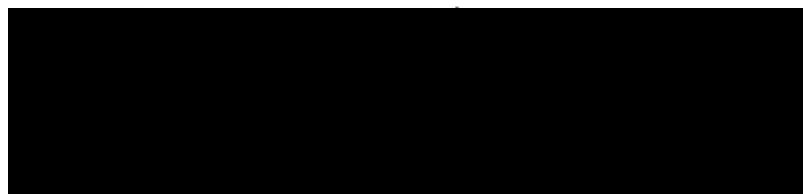
To deprive the Church Representatives of voting rights on the Education and Children's Services Committee, where they sit on behalf of us and our children and young people, casts into serious doubt the commitment of some of our elected representatives to the future of Catholic schools in East Lothian. At a time when anti-Catholic sentiment is being felt keenly by many in the Catholic community, East Lothian Council should reject this motion and, in doing so, declare its support for Catholic education and the Catholic community.

As your constituent, I ask that you vote against the removal of voting rights for Church Representatives. East Lothian Council has a reputation for being open, transparent and democratic, with elected members who actively listen to their constituents.

I would, therefore, ask that you reply to this letter and confirm your stance on the retention of the voting right for the religious representatives on the Education and Children's Services Committee.

Yours sincerely,

My email address:



[Email address supplied]

Dear Councillor Cassini

You will be aware that there is a proposal around whether East Lothian Council should remove or retain the current voting rights of the religious representatives on the Education and Children's Services Committee. It is expected that the results of the consultation this will be reported to Council at a meeting on 12 December.

When the Church transferred its schools to state control in 1918, it was with the understanding that the state would take responsibility for the schools and ensure that they would take cognizance of the denomination in whose interest the school is being run.

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As a Catholic constituent, I am concerned that, if this was passed, it would weaken this partnership and impact upon the running and direction of the four Catholic schools in East Lothian. Although it might be presented as such, to remove the voting rights of the Church Representative is not merely an administrative matter. Instead, it can be seen as an attempt to alter the legal arrangements that were made between the Church and state in 1918.

To deprive the Church Representatives of voting rights on the Education and Children's Services Committee, where they sit on behalf of us and our children and young people, casts into serious doubt the commitment of some of our elected representatives to the future of Catholic schools in East Lothian. At a time when anti-Catholic sentiment is being felt keenly by many in the Catholic community, East Lothian Council should reject this motion and, in doing so, declare its support for Catholic education and the Catholic community.

As your constituent, I ask that you vote against the removal of voting rights for Church Representatives. East Lothian Council has a reputation for being open, transparent and democratic, with elected members who actively listen to their constituents.

I would, therefore, ask that you reply to this letter and confirm your stance on the retention of the voting right for the religious representatives on the Education and Children's Services Committee.

Yours sincerely,

[Name redacted]



ARCHDIOCESE OF ST ANDREWS & EDINBURGH

ARCHDIOCESAN OFFICES
100 Strathearn Road
Edinburgh
EH9 1BB
Tel: 0131 623 8900
Fax: 0131 623 8899

Dear Councillor

As Vicar Episcopal for Education, I am the representative for Archbishop Cushley on matters relating to education. You will be aware that, following a proposal put forward by a member of the Standing Orders Review Group, the voting rights of Church Representatives are now under review. We are approaching the end of the consultation period which will result in a report being created and taken to a Council meeting on 12th December to decide whether East Lothian Council should remove or retain the current voting rights of the Religious Representatives (and Trade Union Representative) on the Education and Children's Services Committee.

Since the passing of the Education Act in 1918, children in East Lothian Council have benefitted from a robust, productive partnership between church and state in the delivery of education. This partnership is predicated on the idea that, while the state takes responsibility for schools, the church continues to have a voice on educational matters. The role of the Church Representative, established in law, is essential to that arrangement. Church Representatives provide a guarantee that the state will continue to take due cognizance of the denomination in whose interests a school is being run.

In a democratic system, a voice is not effective without a vote. Removing the vote from our Church Representatives would remove their ability to do their job - that is, to represent the Catholic community - in an effective way. The Archbishop is concerned that, if this proposal was passed, it would weaken the hitherto-productive partnership between church and state, undermining Catholic education at a foundational level and impact negatively on Catholic schools in the East Lothian area.

Although it might be presented as such, this is not merely a procedural matter. To deprive Church Representatives of voting rights on the Education and Children's Services Committee, where they sit on behalf of the parents, young people and children in the wider community, casts into serious doubt the commitment of some of our elected representatives to the future of Catholic schools in East Lothian Council.

The Archbishop asks that you vote against the removal of voting rights for Church Representatives. Your Council has a reputation for being open, transparent, and democratic, with elected members who actively listen to their constituents. As far as I am aware, Church Representatives having voting rights is not a cause for concern among the constituents of East Lothian; but the potential loss of those rights very much is. Please reply to this letter and confirm your stance on the retention of voting rights for the religious representatives on the Education and Children's Services Committee in East Lothian Council.

Your sincerely

Very Rev. John Deighan
Vicar Episcopal for Education