

**REPORT TO:** East Lothian Council

**MEETING DATE:** 12 December 2023

**BY:** Executive Director for Council Resources

**SUBJECT:** Voting Rights of External Representatives on the Education and Children's Services Committee

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## **1 PURPOSE**

- 1.1 To determine the future voting rights of the external representatives (3 x religious representatives, 1 x trade union representative) on the Council's Education and Children's Services Committee, following a consultation on this matter.

## **2 RECOMMENDATIONS**

Council is asked:

- 2.1 To determine if the voting rights of the religious representatives on the Education and Children's Services Committee should be retained or removed and, if removed, to agree the consequential amendment to the Scheme of the Administration; and
- 2.2 To determine if the voting rights of the trade union representative on the Education and Children's Services Committee should be retained or removed and, if removed, to agree the consequential amendment to the Scheme of the Administration

## **3 BACKGROUND**

- 3.1 The Local Government (Scotland) Act 1973 (Part VIII, Section 124) states the following:
- 'an education authority who appoint[s] [an education] committee shall secure that the persons appointed by them to be members of such committee shall include ... one representative of the Church of Scotland ... one representative of the Roman Catholic Church ... [and] one person in the selection of whom the authority shall have regard ... to the comparative strength within their area of all the

churches and denominational bodies having duly constituted charges or other regularly appointed places of worship there’

- ‘an education authority may appoint persons who are not members of the authority to be members of a committee’.

- 3.2 At present, there are three religious representatives (representing the Church of Scotland, the Roman Catholic Church and the Scottish Episcopal Church) and one trade union representative (representing the EIS) who have full membership rights, including voting rights, on the Council’s Education and Children’s Services Committee.
- 3.3 In 2019, Perth and Kinross Council became the first Scottish local authority to withdraw the voting rights of their religious representatives on their Lifelong Learning Committee. This decision was made by way of a motion to the council in response to a statement made by the Scottish Government to the effect that the voting rights of religious representatives on education committees were a matter for each local authority to determine.
- 3.4 Since the decision by Perth and Kinross Council, a number of other Scottish local authorities, including the City of Edinburgh, Fife, Moray, Orkney Islands and Scottish Borders, have approved the withdrawal of voting rights of non-elected representatives on their education committees.
- 3.5 As part of the review of Standing Orders carried out in 2022/23 (reported to Council in April and June 2023), officers were asked to conduct a consultation on the future voting rights of external representatives on the Education and Children’s Services Committee.
- 3.6 The consultation ran for three weeks in October/November 2023, with 112 responses being received. Appendix 1 provides a summary of those responses, with a more detailed record of responses being available in the Members’ Library (Ref:118/23, December 2023 Bulletin). In addition to those consultation responses, three letters have been submitted to Elected Members or officers objecting to any proposal to remove the voting rights of religious representatives, and in particular the representative of the Roman Catholic Church, on the grounds that this would alter long-standing legal and partnership arrangements between the state and the Catholic Church. This correspondence is included within the Members’ Library submission.
- 3.7 Members will note that the responses to the online consultation showed support for the withdrawal of voting rights from the religious representatives (84% of those responding) and for the withdrawal of voting rights from the trade union representative (56% of those responding).
- 3.8 Taking into consideration the actions taken by other Scottish local authorities and the responses to the consultation on this matter, the Council is now being asked to determine whether or not the voting rights of the external representatives on the Education and Children’s Services Committee should be retained. It should be noted that if the Council agrees to withdraw these voting rights, the external representatives will

continue to be members of the Committee, and will be redesignated as non-voting members.

- 3.9 Any decision to remove the voting rights of external representatives on the Education and Children’s Services Committee will require a change to Standing Orders. As this would be a change to the Scheme of Administration, a simple majority of votes is required to give effect to this change.

#### **4 POLICY IMPLICATIONS**

- 4.1 None.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – None  
6.2 Personnel – None  
6.3 Other - None

#### **7 BACKGROUND PAPERS**

- 7.1 East Lothian Council’s Standing Orders  
7.2 Report to East Lothian Council, 27 June 2023, ‘Review of Standing Orders: Scheme of Administration ([Agendas, reports and minutes | East Lothian Council](#))  
7.3 Responses to the consultation, Members’ Library Ref: 118/23, Dec23 Bulletin:  
[https://www.eastlothian.gov.uk/meetings/meeting/17176/members\\_library\\_service](https://www.eastlothian.gov.uk/meetings/meeting/17176/members_library_service)

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# Voting Rights of Unelected Representatives on the Education and Children's Services Committee: Summary report

This report was created on Friday 17 November 2023 at 12:19 and includes 112 responses.

The activity ran from 23/10/2023 to 10/11/2023.

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Question 4: Do you believe unelected Trade Union representatives should retain their voting rights on the Education and Children's Services Committee?	1
tick box	1
Question 5: Do you believe unelected religious representatives should retain their voting rights on the Education and Children's Services Committee?	2
tick box	2
Question 6: If you have any comments or concerns you wish to express please provide details.	2
free text	2

### Question 1: What is your name?

#### *Name*

There were 104 responses to this part of the question.

### Question 2: What is your email address?

#### *Email*

There were 102 responses to this part of the question.

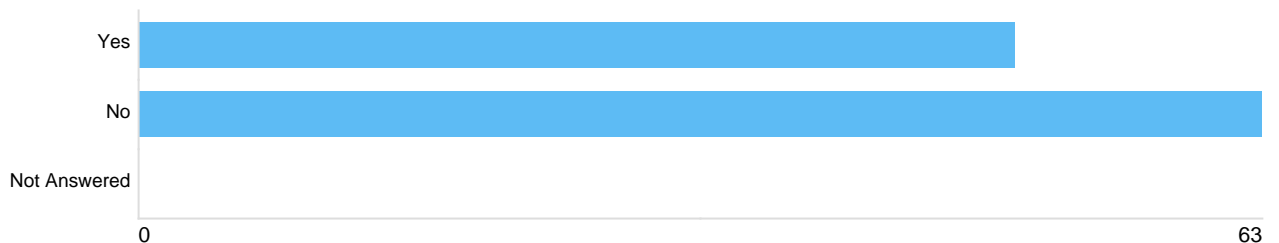
### Question 3: What is your interest in this survey? (parent/guardian, teacher etc.)

#### *Answer*

There were 108 responses to this part of the question.

### Question 4: Do you believe unelected Trade Union representatives should retain their voting rights on the Education and Children's Services Committee?

#### *tick box*



Option	Total	Percent
Yes	49	43.75%
No	63	56.25%
Not Answered	0	0.00%

**Question 5: Do you believe unelected religious representatives should retain their voting rights on the Education and Children's Services Committee?**

*tick box*



Option	Total	Percent
Yes	18	16.07%
No	94	83.93%
Not Answered	0	0.00%

**Question 6: If you have any comments or concerns you wish to express please provide details.**

*free text*

There were **73** responses to this part of the question.