

RELIGIOUS REPS: UNREPRESENTATIVE, UNNECESSARY AND UNJUSTIFIED



THE CASE FOR REMOVING
RELIGIOUS APPOINTEES FROM
EDUCATION COMMITTEES
IN SCOTLAND

national
secular
society

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Introduction

Decisions about education are some of the most important in our society, affecting people of all backgrounds and beliefs. These decisions and how we make them reflect the values we hold, the ideas we consider worthy of transmitting to future generations and the rights we consider worthy of protection.

In Scotland, citizens of all faiths and beliefs can contribute to decisions about education through the democratic processes of seeking election to the Scottish Parliament or local councils. Many civically minded individuals also volunteer as governors, attend public meetings, or contribute to consultations and public debates.

There is however one other avenue for influencing education decisions. A fast lane closed to most citizens, closed in fact to all but the specially selected representatives of unrepresentative institutions, it leads to reserved places on every council. This report argues that it is time to end this special avenue, and give all citizens an equal say in education.

It is time to remove religious appointees¹ from Scottish education committees. This report makes a powerful case for such change, while acknowledging the currently limited interest from the government and opposition.

Until legislation removes religious appointees, then councils should exercise their power to remove their voting rights.

The Local Government (Scotland) Act 1973 requires local authorities in Scotland to appoint three religious representatives to their education committees, at least one of whom must be appointed by the Catholic Church and one by the Protestant Church of Scotland.

While such religious appointees have long been opposed by secularist groups², the issue has gained prominence and been the subject of significant debate following an April 2019 decision by Perth and Kinross Council.³

In March 2019 the Council's education committee voted to close Blairingone Primary School in Kinrossshire, the vote swung by the intervention of two of their religious appointees. This caused considerable consternation, particularly as other unelected committee members including youth members, teachers and parents could not vote. Following a review of the legal advice the Council amended its standing orders to remove the appointees' right to vote.

“Affording a particular section of society an appointed privileged position within the decision-making process of local government, based solely on their personal religious beliefs, is profoundly undemocratic, unfair and discriminatory.”

Between April and July the National Secular Society (NSS) contacted all 32 local authorities asking them to follow Perth and Kinross's lead and seeking their views on

¹ This report uses “religious appointees” as we believe this is the fairest minded and accurate terminology. Though it is not universally used is preferable to alternatives.

Unelected religious representatives: While this term may be favoured by opponents of religious appointees (likely as it highlights the democratic argument against their appointment) it is somewhat unwieldy and narrows the focus of the argument.

Religious representatives: While succinct, this term risks misinterpretation. It could be read as representatives who are religious and so give the false impression that opponents of religious appointees are against representatives being religious. It also legitimises the suspect claim that religious appointees are representative of religious people.

Religious education committee appointees: As well as being unwieldy, this term risks being inaccurate as some Scottish local authorities do not resolve themselves into a separate education committee.

² parliament.scot/gettinginvolved/petitions/PE01400-PE01499/PE01498_BackgroundInfo.aspx
secularism.org.uk/news/2013/11/bill-submitted-to-scottish-parliament-that-would-abolish-religious-representatives-on-education-committees

³ secularism.org.uk/news/2019/04/council-ends-church-officials-education-committee-voting-rights/

⁴ Stephen Evans, NSS chief executive: thetimes.co.uk/article/church-may-lose-its-vote-over-schooling-3t7tq3g05

religious appointees. This report summarises these responses and the arguments which have been put forward for religious appointees in the ensuing debate.

Two parliamentary petitions and a private member's bill

While a long running source of criticism from secularist groups, debate over religious appointees has only sporadically broken into wider public consciousness – usually related to particularly objectionable views or interventions by specific appointees.

An exception to this was the fierce debate prompted by the Edinburgh Secular Society's⁵ 2013/14 and Scottish Secular Society's 2016/17 petitions to the Scottish Parliament calling on it to remove the requirement to appoint religious representatives.⁶ The 2013 petition prompted a private member's bill submitted by John Finnie MSP⁷ which sought the same aims.

Legal opinion

The 1872 Education (Scotland) Act was the start of universal state education in Scotland. This was followed by the 1918 Education (Scotland) Act which brought Roman Catholic schools into the state system and replaced school boards with specialist education authorities. The 1929 Education (Scotland) Act subsumed education authorities into local councils and introduced the requirement for them to include religious appointees when exercising their powers as an education authority.

The present form of the requirement also predates devolution and is found in Section 124 of the Local Government (Scotland) Act 1973. The relevant subsection (4) deals with who the religious appointees should be:

- a) *one representative of the Church of Scotland, nominated in such manner as may be determined by the General Assembly of the Church;*
- b) *in the case of the education authority for each area other than Orkney Islands, Shetland Islands and Western Isles, one representative of the Roman Catholic Church, nominated in such manner as may be determined by the Scottish Hierarchy of the Church; and*
- c) *one person or, in the case of the education authorities for Orkney Islands, Shetland Islands and Western Isles, two persons, in the selection of whom the authority shall have regard (taking account of the representation of churches under paragraphs (a) and (b) above) 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.*

The Act does not preclude the appointment of other unelected representatives. Subsection 4(C) has been a subject of particular criticism, as (while it provides unclear direction of who should be appointed) it excludes the non-religious who lack either denominational bodies or regularly appointed places of worship.⁸

The Act makes no mention of the voting powers to be extended to religious appointees. This gives rise to the legal view held by the Scottish Government, several councils, the NSS and other secularist organisations, that the voting rights of unelected religious appointees are a matter for each council's standing orders.

Scottish Government position

A spokesperson recently clarified the Scottish Government's interpretation of the Local Government (Scotland) Act 1973, stating: "Where an education authority

⁵ An affiliate of the National Secular Society

⁶ parliament.scot/GettingInvolved/Petitions/PE01498 and parliament.scot/GettingInvolved/Petitions/ChurchAppointees

⁷ Green, then independent

⁸ Given the ordinary definitions of these terms. While these definitions may be stretched to include representatives of nonreligious or irreligious organisations, such appointments would be subject to challenge.

appoints a committee to discharge their functions, the Local Government (Scotland) Act 1973 requires councils to appoint members to that committee, including religious representatives.” The spokesperson went on to say “voting rights on committees are a matter for each local authority”⁹.

Criticism

Critics of this legal position point out that neither Section 124 nor the wider Act differentiate between categories of local authority members. Section 97 of the Act (dealing with meetings and proceedings of local authorities) provides that: “...all questions coming or arising before a council shall be decided by a majority of the members of the council present and voting thereon at a meeting of the council”.

However, this is subject (among other things) to “any provisions of standing orders”.

Equality and Human Rights Commission

In written evidence¹⁰ to the 2013 petition 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, which 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

Prima facie 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 Act¹¹, 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 & 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.”

In response to the petition and private member’s bill, the Scottish Government neither published nor announced any such assessment.

The case for change

The simplest overriding argument against religious appointees is that of principle: if Scotland is to be a country where all citizens irrespective of background have an equal chance to participate in decision making, then it can’t give one select group a privileged role.

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

⁹ While it has been requested by some councils, the Government have not published a full legal opinion.

¹⁰ parliament.scot/S4_PublicPetitionsCommittee/General%20Documents/PE1498_G_Equality_Human_Rights_Commission_11.02.14.pdf

¹¹ This would have to be established through a legal challenge. While we are very sympathetic to such an argument, as it is not necessary to argue against religious appointees, this report doesn’t look at it in depth.

Scotland and the Catholic Church. A council may exercise some choice over the third¹² appointee, but this process is extremely unclear and inconsistent.

Reserving a special role in policy making for representatives of specific religious institutions, and in so doing automatically excluding the majority of Scottish citizens based on their protected characteristics of religion and belief, clearly runs counter to principles of equality. There is also a hierarchy of inequity, caused by one place each being provided for Catholics and members of the Church in Scotland, while all representatives of all other religions must compete for one.

The appointment system of one Catholic and one Protestant is based on an outdated sectarian conception of the Scottish people as divided between and primarily identifying mainly with this religious division.

Some may argue that principles of fairness and equality can be overridden by sufficient counter bearing principles or practical concerns. However, in the following section we show that the arguments put forward in defence of religious appointees are uniformly unpersuasive. They all either fail to provide a legitimate aim which religious appointees serve, and/or fail to demonstrate that religious appointees are necessary for achieving such aims.

¹² The Orkney Islands', Shetland Islands' and Western Isles councils' also appoint a fourth representative.

The flawed arguments for religious appointees

These are the broad arguments put forward by the institutional religious responses to the 2013 petition, reported comments from religious appointee advocates and responses to our 2019 survey of local authorities.

1. They legally have to be appointed.

This point is not in dispute by proponents either of reform or removal of religious appointees. Neither is it relevant. The statutory requirement is not in our view an impediment to removing religious appointees' voting rights nor an argument in itself against legislative change.

2. They represent the interests of religious citizens.

It should be noted that religious appointees are not appointed by or answerable to religious citizens, but religious organisations. A wealth of evidence exists that religious organisations of all stripes diverge from and are unrepresentative of the views of their ordinary members.

Religious appointees also poorly represent the religious make up of Scottish citizens, who are increasingly religiously diverse and irreligious. The most recently available Scottish Social Attitudes Survey data¹³ shows that 58% of Scots (including 74% of 18–34s) have no religion. The current arrangements for religious appointees leave a majority of Scots (and a super majority of those of an age likely to be directly affected by education issues) unrepresented.

Only 18% of Scots identify with the Church of Scotland, yet they automatically have at least 33% of representation through religious appointees; the same goes for Catholics at 10% of the population. Other Christian denominations represent 11% of the population and make up the overwhelming majority of the third religious appointee on education committees¹⁴. In evidence to the 2013 petition¹⁵ the Scottish Episcopal Church (which according to the 2011 Census represents 0.4% of the population) reported that it has a religious appointee on 37.1% of councils, being the third largest appointer.

Even accepting for the sake of argument that religious appointees represent the views of religious citizens, why should these require or deserve any special representation over and above that afforded to any other category of citizen? The removal of special representatives would in no way impede on citizens of any religion or belief participating in the civic or democratic process on an equal basis.

If it were to be presumed that religious appointees (1) were necessary to represent the views of religious citizens and (2) were effective in doing so, it still would not serve as justification for the current system. At best it would suggest the need for some sort of bizarre non-geographic constituency of religious citizens to select representatives.

3. They often do not vote anyway.

Again, this point is neither disputed by critics of religious appointees or in our view relevant. We raise three points:

Firstly, the claim that religious appointees “often” do not vote is in itself a recognition that they do on occasions vote. Given that many votes are routine and likely to be beyond the interests of religious appointees, it is hardly surprising that their votes are likely to be restricted to matters involving religion and schools.

Secondly, if religious appointees often do not vote then they can have little complaint against removing the ability to vote and create equality between religious appointees.

¹³ scotcen.org.uk/news-media/press-releases/2017/july/scots-with-no-religion-at-record-level/?_ga=2.30906614.871823781.1564668455-599361945.1564668455

¹⁴ At the time of the 2013 petition, 5 of 96 religious appointees were reported to be from non-Christian religions.

¹⁵ parliament.scot/S4_PublicPetitionsCommittee/General%20Documents/PE1498_B_Scottish_Episcopal_Church_24.01.14.pdf

Finally, the privileged and disproportionate influence on public policy afforded to religious appointees by automatic inclusion on councils is not limited to their voting rights/powers. Being included on a committee, provided with all notices and resources available to that committee and the right to intervene in debates, creates its own influence which is denied to even the most civically engaged ordinary citizen.

It should also be noted that while we do not dispute the claim from many councils that religious appointees rarely vote, we do note that this is difficult to substantiate as councils vary widely in the formality of votes and the publication of minutes.

For example in response to the 2016 petition, the Scottish Secular Society provided evidence from Falkirk Council that religious appointees do vote, “including (on) divisions on topics not directly related to religion” and that they had “verified that this is also the case elsewhere”.¹⁶

4. They provide special moral insight.

This view based on religious privilege/prejudice is a totally illegitimate basis for public policy making and an insult to the majority of non-religious Scots. If elected councillors value the moral insight of religious representatives, they would continue to be free to seek them even if religious appointees were removed. Indeed, if current religious appointees are convinced that they possess special moral insight then surely this would be recognised by the voters if they were to seek election in lieu of unelected appointment?

5. They reflect the historic role of churches within the education system.

No one disputes the historic organising role of churches in helping to establish Scotland’s education system. But this is not an argument for them to be given a special privileged voice in decisions about *today’s* education system. As the Edinburgh Secular Society said in written evidence related to the 2013 petition:

“In responding to submissions of the Christian churches ESS does acknowledge their historical role in building the current education system in Scotland. However, state funding and non-sectarian educational professionals have provided the firm basis of the high standards of the Scottish education system for more than a century.”¹⁷

Scotland – like the majority of western democracies – 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. One which should be accountable and responsive to all of its citizens’ needs. We should acknowledge not only the churches’ organising role prior to the modern education system, but the reasons why a universal democratically accountable education system was needed to replace it:

“Churches, benevolent men and women and philanthropic societies tried to fill the gaps, many with some success, but not all with pure motives: children might be at the mercy of self-seekers or fanatics. Much of the inspection regime was denominational, with more time spent testing orthodoxy than efficiency. The schism in the national church produced wasteful duplication of effort in many areas, Free and Established Kirk schools competing for pupils, while in many burghs there was guerrilla warfare between church and municipality for control of the burgh school.”¹⁸

Churches are historically very successful as organised interest groups and would continue to be well placed to engage in lobbying on educational issues even if their institutional privilege was removed.

In terms of religious diversity and irreligion, the pluralistic Scotland of today is utterly unrecognisable from that which existed before universal state education. Churches are

¹⁶ parliament.scot/S5_PublicPetitionsCommittee/Submissions%202016/PE1623_R_Petitioner_Response.pdf

¹⁷ parliament.scot/S4_PublicPetitionsCommittee/General%20Documents/PE1498_L_Petitioner_10.03.14.pdf

¹⁸ British Journal of Educational Studies, Volume 20, 1972, Issue 2 parliament.scot/S5_PublicPetitionsCommittee/Submissions%202016/PE1623_Q_NSS.pdf

now simply one voice among many and cannot expect that voice to be given the same deference as in centuries past.

6. They protect the identity and interests of denominational schools.

As Archbishop Cushley wrote in response to Edinburgh's proposal to end religious appointees' voting rights:

*"This motion presents a serious threat to the identity and Catholicity of our Schools in Edinburgh and is also, in all probability, just the first step in a process to remove faith education from schools in Scotland altogether."*¹⁹

The National Secular Society²⁰ makes no secret that we oppose denominational schooling. We actively campaign for Scotland to move to an all non-denominational approach, free from any religious privilege, discrimination, sectarianism or control.²¹ Regardless of one's view on this position, it would be absurd to suggest that advocating such a position in a democratic system is illegitimate or that it cannot be separated from the argument against religious appointees.

We also note that all groups of councillors currently introducing proposals to remove the voting rights of religious appointees deny that this is an effort to stop denominational schools. Even if we accepted that the aim of protecting the current status of denominational schools was worthwhile, this would not provide a satisfactory justification for the current system of religious appointees.

Appointees tasked with safeguarding the interests of denominational schools could be drawn from the denominational school community in some more transparent and open way. For example, all teachers, governors or parents at denominational schools within the local authority area, may put themselves forward with their final appointment made by democratic representatives rather than the Church hierarchy.

Denominational schools already have far more 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. Teaching and leadership positions in denominational schools can be subject to religiously motivated selection by denominational bodies.²²

Finally, if religious appointees are to protect denominational schools then it would follow that their makeup would match that of denominational schools, almost all of which (around 363 of 367) are Catholic.²³ It would provide no basis for the automatic inclusion of Church of Scotland appointees.²⁴

7. They provide expert advice on religion and belief issues.

This argument is perilously close to the claim of special moral insight dismissed above. Religious appointees are drawn from a small subsection of active religious group members and do not represent the wealth of views and expertise on religion and belief. With religious bodies in charge of almost all appointments, "expertise" is conflated with conformity to the group's doctrines. Are we to presume that the majority of non-religious Scots are incapable of providing expertise in religion and belief issues?

Sometimes RME or RO are cited²⁵ as particular areas where religious appointees' views are 'needed'. However, policy on RME and RO is formed at many levels, where people

¹⁹ edinburghnews.scotsman.com/education/archbishop-brands-removal-of-church-education-committee-voting-rights-as-a-serious-threat-to-future-of-faith-schools-1-4972448

²⁰ Along with many secularist critics of religious appointees

²¹ nomorefaithschools.org/

²² nomorefaithschools.org/news/2018/06/how-to-teach-in-a-catholic-state-school-in-scotland

²³ gov.scot/publications/foi-18-01415/ | Other sources vary slightly e.g. Wikipedia cites 266 out of 370, both sources put Catholic schools at 99% of denominational provision.

²⁴ Non-denominational schools are still considered by some to be 'Protestant by default', though less so than in the past when Scotland was more religious and experienced higher levels of sectarianism.

²⁵ Religious & Moral Education, Religious Observance (sometimes supplanted by Time For Reflection)

of all faiths and none can feed in their views. There is no reason to believe religious appointees have a more valuable view on RME or RO, or that their views should carry any special weight.²⁶

Even accepting that religious appointees do provide expertise, we dispute whether they are *necessary* to provide such expertise. Religion and belief is not inherently different to any other interest or identity marker which might influence views on education policy. Any council or councillor who feels in need of expert advice on any topic is free to seek it. Any organisation or civically minded individual who feels they have expertise to provide is free to offer it through the normal civic and democratic processes.

Even if religious appointees were *necessary* to provide such expertise then they could all instead be recruited through an open and equitable process rather than denominational appointment, and/or simply serve in an advisory capacity without voting rights.

8. They are not the only unelected appointees.

Many councils include unelected²⁷ appointees such as youth members, representatives or parents, teachers or trade unionists. The merits of such appointments (which councils may choose or not to make) are separate to the merits of religious appointees and beyond our scope.

For example, the Scottish Parent Teacher Council in response to the 2016 petition called for better inclusion of parent representatives and for religious appointees to have their voting rights restricted:

“We would recommend that church or religious representatives do not have voting rights, but that they are there in an advisory capacity.”²⁸

Religious appointees are markedly different from these other unelected appointees in a number of ways. Most obviously, religious appointees are usually the only category of appointees to who voting rights are extended.

Secondly religious appointees are the only unelected positions which are restricted members of a specific religious group or possessing specific protected characteristics. In theory anyone from any background could become a parent, teacher or trade union representative. These other categories of appointees owe their appointment to their position within the education community, rather than societal privilege afforded to religious organisations.

As Megan Crawford, chair of the Scottish Secular Society, wrote in evidence to the 2016 petition:

“The teacher and parent representatives are co-opted by the elected members, from whom they derive their authority and voting powers, if any. We trust our elected representatives to decide whether or not to co-opt parent and teacher representatives. Why should we not trust them to decide whether or not to co-opt representatives of the Churches?”²⁹

In another response, the Scottish Secular Society wrote:

“The petition is criticised for singling out religious representatives, as if this were an attack on religion. This is a straw man argument. Religious representatives are not singled out by us, but by the uniqueness of their situation. They are insulated from the discipline of the ballot box, and are the only persons so privileged within the entire Scottish government structure. We would object on the same grounds if there were similar protected positions for the irreligious.”³⁰

²⁶ Though of course they do within denominational schools

²⁷ “Unelected” as in not elected by any general constituency of voters. Parent representatives may be elected by fellow parents.

²⁸ parliament.scot/S5_PublicPetitionsCommittee/Submissions%202016/PE1623_P_SPTC.pdf

²⁹ parliament.scot/S5_PublicPetitionsCommittee/Submissions%202016/PE1623_D_MeganMCrawford.pdf

³⁰ parliament.scot/S5_PublicPetitionsCommittee/Submissions%202016/PE1623_R_Petitioner_Response.pdf

9. Their removal would be an attack on people of faith.

We do not dispute that many religious appointees see their position as one of service or that they do not recognise their position as the religious privilege it indisputably is. It is unfortunately common for some to see any threat to their privilege as a personal attack. This argument has been advanced by religious leaders, for example in response to the 2013 petition the Scottish Catholic Education Service claimed the proposals were part of:

*“a concerted effort to silence the voice of religious groups on issues of national importance, particularly with regard to the education of children and young people”*³¹.

Even giving religious leaders the benefit of the doubt³², there is no reason to assume ordinary citizens who happen to be religious would see the removal of religious appointees as an attack on them.

Though increasingly outnumbered, there are still several million people of faith in Scotland, of whom less than 100 are religious appointees, and of whom only a tiny proportion have any involvement in the selection of religious appointees. The removal of religious appointees would not have any effect on the vast majority of religious citizens’ options for influencing education policy.

Other religious responses to the 2016 petition refute this argument, for example Michael Zimmerman, executive director of The Clergy Letter Project³³, argued:

*“As citizens, religious leaders should have all the rights that every other member of the community has. But mandating seats on the Committees for religious leaders simply because of their religious beliefs is unfair and runs the risk of severely compromising the very nature of the education the Local Committees were established to protect.”*³⁴

Or as Janet Briggs, secretary to the Glasgow Unitarian Church wrote:

“I wish to say that three mandatory Christian Church representatives on the Education Committees of all Local Authorities hardly reflects the composition of 21st Century Scottish society.”

And

“Sectarianism has been one of the curses of our society. Good citizenship need not depend on any metaphorical religious belief.”

³¹ parliament.scot/S4_PublicPetitionsCommittee/General%20Documents/PE1498_E_Scottish_Catholic_Education_Service_10.02.14.pdf

³² That is assuming that they genuinely see calls to remove religious appointees as an attack on people of faith and are not simply using this claim as a cynical rhetorical device.

³³ An organisation of some 15,000 ordained clergy worldwide

³⁴ parliament.scot/S5_PublicPetitionsCommittee/Submissions%202016/PE162320161019TheClergyLetterProjectletterof19October2016.pdf

Local authority responses

Between April and July 2019, the NSS contacted all local authorities asking them to remove religious appointees' voting rights and seeking their views on the religious appointees system in general. This section summarises their positions as communicated either to us directly or to the media.

Aberdeen City Council

Responded on Council's behalf:

Councillors Lumsden and Laing (Co-Leaders)

Religious appointees: Stephanie Brock (Third Religious Representative) | Reverend Shuna Dicks (Church of Scotland Religious Representative) | John Murray (Roman Catholic Religious Representative)³⁵

Status: Voting rights granted to religious appointees. No current plans to remove.

"Aberdeen City Council have taken the view that the legislation requires the Council to give the religious representatives voting rights. The Council do acknowledge that the legal position is far from being absolutely clear and that there is no consensus amongst all local authorities. The Council notes the Scottish Government's opinion on this subject and will keep this matter under review."

Aberdeenshire Council

Responded on Council's behalf: The director of education & children's services

Religious appointees: Ruth Paterson (Church rep) | Aileen Barclay (Church rep)

Status: Unclear (presumed to have voting rights and no current plans to remove)

Provided a list of their education committee's current make up, but did not engage with questions regarding the future voting rights of religious appointees.

Angus Council

Responded on Council's behalf: The chief executive

Religious appointees: David Adams (Church of Scotland) | Lesley Hood (Roman Catholic Church) | Liz Howson (Other)

Status: Voting rights granted to religious appointees. No current plans to remove.

Provided a list of their education committee's current make up, but did not engage with questions regarding the future voting rights of religious appointees. A May 2019 review of the standing orders made no relevant changes.

Argyll and Bute Council

Responded on Council's behalf: The chief executive

Religious appointees: Margaret Anderson (Roman Catholic Representative) | Vacancy (Scottish Episcopal Representative) | William Stewart Shaw (Church of Scotland Representative)

Status: Voting rights granted to religious appointees. No current plans to remove.

The Council's constitution refers to religious appointees as "Members appointed because they are persons interested in the promotion of Religious Education" and provides that on the education committee they are to be treated as voting members. However: "For the avoidance of doubt the Teacher Representatives are not to be treated as voting members." Religious appointees are also treated as voting members of the Community Services Committee when this considers matters relevant to education.

"Thank you again for addressing the Council and informing us on your point of view, as I confirmed above, there are currently no plans to change the current arrangements, however we will inform you if the position changes in the future."

City of Edinburgh Council

Responded on Council's behalf: Councillor McVey (leader)

Religious appointees: Fiona Beveridge (Church of Scotland) | Monsignor Anthony Duffy (Roman Catholic Church of Scotland) | Rabbi David Rose (3rd Religious Representative)

³⁵ The titles used in brackets correspond to those on the councils' response/documentation. These do not always include denominational distinctions, e.g. "Church Representative" may be used to refer to an appointee from the Muslim community.

Status: Voting rights granted to religious appointees. Plans to remove under current consideration.

“We continued this decision until later in the year. There were a few wider issues wrapped in this decision in relation to parent reps etc and will now look to take a decision in August. This will also help us understand the legal position better in terms of any challenge brought to Perth and Kinross Council.”

At present Edinburgh City Council is the most advanced (besides Perth and Kinross) in considering measures to remove the voting rights of religious appointees. Green councillors, backed by a Liberal Democrat amendment are proposing a change to their standing orders which would end the voting rights. This will be voted on on August 22nd. The Council’s legal advice concurs with that of the Scottish Government.³⁶

In May, Green councillor Mary Campbell said church leaders were “out of touch” with councillors, and said the move aimed to give parents and church representatives the same amount of power.

Cllr Campbell said: “It’s 2019. It’s no longer appropriate for religious representatives to have special status on education committees, although they will still be able to take part in debate, just as parents can currently do.”³⁷

In a letter to be read to all parishioners at services on Sunday 28 July Leo Cushley, the archbishop of St Andrews and Edinburgh, presented the proposal as an attack on the Catholic community and claimed:

“This presents a serious threat to the identity and Catholicity of our schools in Edinburgh and is also, in all probability, just the first step in a process to remove faith education from schools in Scotland altogether.

“To deprive the church’s representatives of voting rights on the education committee, where they sit on behalf of us and our children, casts into serious doubt the

commitment of some of our elected to the future of Catholic schools.”

Clackmannanshire Council

Responded on Council’s behalf: Senior Service Manager Partnership and Performance

Religious appointees: Pastor David Fraser (Scottish Baptist Church) | Reverend Sang Y Cha (Church of Scotland) | Father Michael Freyne (Roman Catholic Church)

Status: Voting rights granted to religious appointees. No current plans to remove.

Confirmed that the voting position of religious appointees “is set out in Standing Orders” and that “Any decision to change Standing Orders would need to be a decision of full Council”.

Comhairle nan Eilean Siar

Responded on Council’s behalf: The chief executive

Religious appointees: Current information not available³⁸, the 2017 appointees were as follows: Rev Hugh Stewart (Church of Scotland) | Michael Townsend (Free Church of Scotland) | Rev Allan MacColl (Free Presbyterian Church of Scotland) | Father Michael MacDonald (Roman Catholic Church)³⁹

Status: Voting rights granted to religious appointees. No current plans to remove.

The Council confirmed it has “four representatives of religious interests on the Committee” all with voting rights.

“The Comhairle has noted the recent decision of Perth and Kinross Council ... and will consider its position in due course, once we have received a copy of Scottish Government’s Statement through professional organisations, if not directly from Government.”

³⁶ edinburgh.gov.uk/download/meetings/id/60952/item_82_-_added_members_and_voting_rights_on_the_education_children_and_families_committee_%E2%80%93_legal_opinion

³⁷ dailyrecord.co.uk/news/scottish-news/catholic-schools-scotland-face-uncertain-18795224

³⁸ The committee membership list provided did not include religious representatives. Of those four religious appointees, only Hugh Stewart appeared on the February 2019 Council minutes, along with another reverend (Bruce Jardine) cne-siar.gov.uk/your-council/committees/council-committees/education-sport-and-childrens-services-committee/membership/cne-siar.gov.uk/media/13694/minute-of-meeting-educationskills-and-childrens-services-26-february-2019.pdf

³⁹ secularism.org.uk/news/2017/05/four-religious-representatives-appointed-to-hebrides-education-committee

It will consult with the religious appointees over any proposal to amend their voting rights or powers. While acknowledging the Scottish Government's legal position (as summarised), they believe this view "is not universally held" and that and it could be argued that the 1973 Act gives "only one category of member, one with voting rights".

Dumfries and Galloway Council

Responded on Council's behalf:

Democratic services manager

Religious appointees: Timothy Birrell (Church Representative) | Robert McQuistan (Church Representative) | Sam Scobie (Church Representative)

Status: Voting rights granted to religious appointees. Possibly under consideration.

The matter has been discussed with education officials and members of the Children, Young People and Lifelong Learning Committee and is "being considered for referral to committee". However as the Council is "midway through a review of our committee structures" it cannot "confirm the date and by which committee the matter may be considered at this point".

Dundee City Council

Responded on Council's behalf: Councillor Alexander (leader)

Religious appointees: Kathleen Mands (Church of Scotland Representative) | Moira Leck (Roman Catholic Church Representative) | Bashir Chohan (Third Church Representative)

Status: Voting rights granted to religious appointees. No current plans to remove.

The Council grants voting rights to its religious appointees as well as to a primary teacher and secondary teacher representative. While acknowledging the Scottish Government's position, the Council's Head of Democratic and Legal Services considers this subject of ongoing debate until such time as it comes before the courts or there is a clarification of the law.

"As and when the matter is further clarified, I confirm that I would be happy to discuss the matter further with all representatives on Dundee City Council."

East Ayrshire Council

Responded on Council's behalf: Councillor Reid (leader and chair of cabinet)

Religious appointees: Maria Dorrian (Church Representative) | Ian Rennie (Church Representative) | Shaheen Mirza (Church Representative)

Status: Voting rights granted to religious appointees. Possibly under consideration.

In addition to Catholic, Church of Scotland and Muslim religious appointees, the Council extends voting rights to a parent and teacher representative. The Council views this as a matter for its own discretion:

"I believe we have always been clear in our understanding that although Councils are legally obliged to appoint religious representatives it remains in the gift of Councils whether or not to afford those representatives voting rights, as opposed to an advisory role, just as we have always been clear that there is no legal obligation to appoint Parent and Teacher representatives notwithstanding that has always been our practice as well."

The council fears if it removed religious appointees' voting rights that "there might be less willing and able candidates" and that it would create "a two tier membership" between elected and unelected members.

The council leader did commit to "in light of recent events and in the true spirit of democracy" arrange "for a report to be prepared on this matter for consideration by our full Council at the next meeting on 27th of June".⁴⁰

East Dunbartonshire Council

Responded on Council's behalf: N/A (No engagement or response)

Religious appointees: Jacqui Stother (Scottish Episcopal Church) | P. Alexander (Church Representative) | B. Jarvie (Church Representative)

Status: Unclear (presumed to have voting rights and no current plans to remove)

⁴⁰ docs.east-ayrshire.gov.uk/CRPADMMIN/2012%20AGENDAS/COUNCIL/27%20JUNE%202019/Voting%20Rights%20for%20Non-Elected%20Members%20on%20Cabinet.pdf

East Lothian Council

Responded on Council's behalf: Chief executive

Religious appointees: S Bunyan | E Malcolm | T Sharp

Status: Voting rights granted to religious appointees. No current plans to remove.

The Council “of course believes in promoting tolerance and respect and wishes to develop positive relationships with all regardless of whether of secular or non-secular faith”.

However it “has no plans to amend its Standing Orders” to remove the voting rights of religious appointees.

East Renfrewshire Council

Responded on Council's behalf: N/A (No engagement or response)

Religious appointees: Frank Angell (Jewish Community Representative) | Ms Mary McIntyre (Church of Scotland Representative) | Ms Dorothy Graham (Catholic Church Representative)

Status: Unclear (presumed to have voting rights and no current plans to remove)

Falkirk Council

Responded on Council's behalf: Governance officer

Religious appointees: Evelyn Crosbie (Religious Representative) | Maureen Harkins (Religious Representative) | Rev. Michael George Rollo (Religious Representative)

Status: Voting rights granted to religious appointees. Possibly to be considered, but no current plans.

The Council's Education, Children and Young People Executive has twelve elected councillors and ten unelected appointees, of which only the religious appointees are granted voting rights. The standing orders restrict voting rights for religious appointees to educational matters and are regularly reviewed. The response notes: “I anticipate that there will be consideration given to them later this year. If there is an interest among Council member (sic) in changing the position on voting rights, it is likely to emerge at that stage.”

The response also notes that “there is some indication of a developing consensus that it is a question of choice” (of whether Councils wish to extend voting rights to religious appointees).

Fife Council

Responded on Council's behalf: Chief executive

Religious appointees: George Haggarty (Religious Representative) | William Imlay (Religious Representative) | Alastair Crockett (Religious Representative)

Status: Voting rights granted to religious appointees. Possibly to be considered, but no current plans.

“While there is no current consideration being given to the status of religious representation on the Committee, this is something which may be considered in the future as part of the review of our governance arrangements.”

Glasgow City Council

Responded on Council's behalf: Councillor Aitken (leader)

Religious appointees: Not listed

Status: Voting rights granted to religious appointees. No current plans to remove.

The three religious appointees vote on education matters on the administration committee. The Council “has no plans at present to change this long-standing arrangement”.

A spokesperson for Glasgow's Green Party councillors told the Evening Times: “We are not actively considering any action but are watching the outcome of events in Edinburgh with interest.”⁴¹

Highland Council

Responded on Council's behalf: Councillor Davidson (leader)

Religious appointees: S Lamont (Religious Representative) | Rev S Murray (Religious Representative) | W Skene (Religious Representative)

Status: Voting rights granted to religious appointees. Possibly under consideration.

⁴¹ [eveningtimes.co.uk/news/17803038.39-no-threat-39-glasgow-39-s-catholic-schools-greens-claim/](https://www.eveningtimes.co.uk/news/17803038.39-no-threat-39-glasgow-39-s-catholic-schools-greens-claim/)

“A Governance Review of all Committees is currently underway within the Council – this will include consideration of the issue of unelected representatives and to that end I have shared your letter with the Working Group. I think it would be inappropriate for me at this stage to predict the outcome of the Working Group’s deliberations which will be reported to Council in June 2019.”

Inverclyde Council

Responded on Council’s behalf: Councillor McCabe (leader)

Religious appointees: Rev D Burt (Church Representative) | Rev F Donaldson (Church Representative) | Frances Gilpin (Church Representative)

Status: Voting rights granted to religious appointees. No current plans to remove.

“I have no intention of asking the Council to follow the lead of Perth and Kinross. I value the contributions made by the three religious representatives, one trade union representative and one parent representative to the Committee in the same way that I value the contributions made by the eleven elected members. We very rarely have votes at our Committee as we seek to work by consensus. In the event that there is a vote four elected members have the right to refer the matter to the full Council for confirmation, meaning that ultimately the full Council can overturn a decision of the Committee.”

Midlothian Council

Responded on Council’s behalf: Democratic services team leader

Religious appointees: E. Morton (Church of Scotland) | V. Bourne (Catholic Church) | Vacancy

Status: Voting rights not granted to religious appointees. No current plans to review.

“Religious representatives sit on the Cabinet as there is no separate education committee. I can advise that Midlothian Council operates a Cabinet style system and it is the Cabinet which has responsibility for Education matters. The religious representatives sit on the Cabinet and, when requested by the Chair, can provide advice in relation to education matters only. They do not have voting rights and it is my understanding that they

have never had voting rights. I am unaware of any proposal to change this.”

Moray Council

Responded on Council’s behalf: Councillor Leadbitter (leader)

Religious appointees: Rev Alastair Gray (Church of Scotland) | Rev Christopher Ketley (Other – Scottish Episcopal Church) | Anne Currie (Roman Catholic)

Status: Voting rights granted to religious appointees. Possibly to be considered, but no current plans.

No changes are currently on the agenda but might be later in the year.

North Ayrshire Council

Responded on Council’s behalf: Head of democratic services

Religious appointees: Iain Haining (Church Representative) | Elizabeth Higton (Church Representative) | Babs Mowat (Church Representative)

Status: Voting rights granted to religious appointees. Possibly to be considered, but no current plans.

When meeting to consider education business, the cabinet has six additional members including religious appointees, a teaching and two youth/pupil representatives, of which only the religious appointees have voting rights.

While the Council has supported the repeal of the 1973 legal requirement to appoint religious representatives (in its December 2018 response to the Local Governance Review and in support of the 2013 Private Members Bill), it states:

“We are not advocating an end to religious representation, merely that the decision on who sits on a Committee should be taken locally. Many local authorities, such as North Ayrshire Council will want to maintain religious representation and also include representatives from other groups such as young people and unions.”

While it notes the Scottish Government legal position, they believe “this far from settled law”.

It concludes:

“Once a year our Council considers whether any changes to its main

governance documents are required. However on the basis that our religious representatives provide useful input to the work of Cabinet, and there have been no voting issues, this is not a change I will be recommending.”

North Lanarkshire Council

Responded on Council’s behalf: Councillor Logue (leader)

Religious appointees: W Cunningham (Religious Representative) | D Hannan (Religious Representative) | Rvd. P J O’Maol Mheana (Religious Representative)

Status: Voting rights granted to religious appointees. No current plans to remove but recognise that it would be within its power.

“I can advise that North Lanarkshire Council already acknowledges that the grant of voting rights to such representatives is a matter for the Council’s discretion, and, therefore, the recent decision by Perth and Kinross Council to remove voting rights has been noted but is not considered to be a factor that would give rise to a requirement to reconsider the position at this time.”

Orkney Islands Council

Responded on Council’s behalf: N/A (No engagement or response)

Religious appointees: Hugh Halcro-Johnston (Church Representative)⁴²

Status: Unclear (presumed to have voting rights and no current plans to remove)

Perth and Kinross Council

Responded on Council’s behalf: The NSS has been in contact with councillors who supported the motion to end religious appointees’ voting rights.

Religious appointees: Adrian Ferguson | Pat Gile | Audrey McAuley

Status: Voting rights of religious appointees removed.

Renfrewshire Council

Responded on Council’s behalf: Head of corporate governance

Religious appointees: Iain Keith (Church of Scotland), Jack Nellany (Roman Catholic Church) and Ravinder Singh (Renfrewshire Interfaith Group)

Status: Voting rights granted to religious appointees. No current plans to remove.

“I understand that you have been made aware that Renfrewshire will not be following Perth and Kinross Council’s decision to remove voting rights of religious representatives on the Education Committee.”

Council leader Ian Nicolson told the Gazette⁴³ that: “There are no plans or proposals to change the current voting arrangements on Renfrewshire Council’s Education and Children’s Services Policy Board.

“Our religious representatives are valued members of the board and if proposals to change their role were to be forthcoming we would consult with all stakeholders before any decision was made.”

SNP Councillor Will Mylet disagreed, saying: “I have always had concerns that the education board allowed non-councillors to have a vote and that these additional places were reserved solely for people representing religious organisations.

“When more and more people are not religious it didn’t sit right with me that organisations which held that viewpoint were not allowed the same rights as religious groups.

“I will be contacting the convener of education asking him to remove the voting rights of the religious representatives as soon as possible.”

Scottish Borders Council

Responded on Council’s behalf: Chief executive

Religious appointees: Three (names not listed)

Status: Voting rights granted to religious appointees. Possibly under consideration.

When the Council’s executive meets in the role of education committee there are nine unelected members (including two parents,

⁴² The Council do not provide a full list of religious representatives. This was the only one identified in recent minutes.

⁴³ the-gazette.co.uk/news/17605400.religious-representatives-to-keep-their-place-on-renfrewshire-council-boards/

teachers and pupils) of which only the religious appointees have voting rights.

The Council “is about to review its Scheme of Administration and Standing Orders and consideration will be given at that time to voting rights of non-Elected Members on a number of Council committees”.

Shetland Islands Council

Responded on Council’s behalf: Councillor Riise (lead for governance and law)

Religious appointees: Rev Tom Macintyre (Religious Representative) | Helen Rankine (Religious Representative) | Martin Tregonning (Religious Representative)

Status: Voting rights granted to religious appointees. Possibly to be considered, but no current plans.

“We are also undergoing a Governance review at the moment, here at Shetland Islands Council, and these questions may come up for future consideration, at which time your interests and observations will be brought up.”

South Ayrshire Council

Responded on Council’s behalf: N/A (No engagement or response)

Religious appointees: Rev David Gemmell (Church of Scotland representative) | Phil Davey (Roman Catholic Church representative) | Ian Gall (Church representative)

Status: Unclear (presumed to have voting rights and no current plans to remove)

South Lanarkshire Council

Responded on Council’s behalf: Chief executive

Religious appointees: Nagy Iskander⁴⁴ | John Mulligan | Gillian Coulter

Status: Voting rights granted to religious appointees. No current plans to remove.

“I can confirm that, at this time, there are no plans to make any changes.”

Stirling Council

Responded on Council’s behalf: Governance officer, democratic services

Religious appointees: Colin O’Brien (Church of Scotland) | Nick Morris (Scottish Episcopal Church) | Mary Rennie (Roman Catholic Church)

Status: Voting rights granted to religious appointees. No current plans to remove.

“I can confirm that there are no plans at present to review the voting rights of religious representatives on our Children & Young People Committee (which deals with all Education Authority business).”

The standing orders also provide for two appointed teaching representatives (with no voting rights). Unelected appointees are “only entitled to participate in discussion and debate (and voting where applicable) on Education Authority business”.

West Dunbartonshire Council

Responded on Council’s behalf: N/A (No engagement or response)

Religious appointees: Not listed

Status: Unclear (presumed to have voting rights and no current plans to remove)

West Lothian Council

Responded on Council’s behalf: Councillor Fitzpatrick (leader)

Religious appointees: Not listed

Status: Voting rights granted to religious appointees. Possibly to be considered, but no current plans.

“Prior to each local government election, the council reviews its existing arrangements for the non-councillor appointments to allow it to consider if any changes are required. That was last done through Education Policy Development and Scrutiny Panel (PDSP) in November 2016 and then at Education Executive in December 2016. At its first statutory meeting after the local government elections in May 2017 the newly-constituted council adopted the existing committee structure and appointed non-councillor members to Education Executive on the same basis as before.

“There are no plans to review the present position until shortly before the next local government elections.”

⁴⁴ The founder of the US-based religious ministry Answers in Genesis, Ken Ham, has described him as one of “Europe’s most active creationists”. secularism.org.uk/news/2018/01/creationist-appointed-to-south-lanarkshire-education-committee

Regional Improvement Collaboratives (RICs)

The National Secular Society supported the introduction of RICs as part of the 2017 governance consultation “Excellence and equity in education”. The influence of religious appointees may be reduced by the RICs which (while not formal bodies within the education system) bring together head teachers, local authorities and Education Scotland.⁴⁵ In the future many decisions currently made by local authorities may be delegated to RICs and individual head teachers.

Such a devolution does not address all problems with inappropriate religious influence/privilege – for example many teachers in denominational schools are appointed on religious grounds⁴⁶ – but does defuse it.

Humanist appointees: a deeply flawed solution

It might be suggested that the inequity of religious appointees could be addressed by also including appointees to represent the non-religious. Such a response has not been supported by any significant atheist or Humanist groups in Scotland, institutional religious response to the 2013 petition or response to our 2019 survey of councils. However, a similar argument has been put forward in England & Wales for religious representatives on Standing Advisory Councils on Religious Education (SACREs) and we think it likely that such a flawed ‘compromise’ may be put forward when efforts for legislative change gather steam.

The Humanist Society of Scotland (which opposes such proposals) notes in their 2016 petition response:

“The Church of Scotland have previously suggested that Humanists and other non-religious group be given representation on education committees, in a similar way to religious groups.”⁴⁷

In their own response, the Church in Scotland argued that:

“It is vital that the views of faith groups and that may include secularist, humanists and the non-religious who all have their own belief systems and creeds, are taken into account to inform Local Authority Education Committee decisions.”⁴⁸

Other minority religious group, such as the Muslim Council of Scotland have argued that “it is vital that the views of all faith and belief groups are taken into account to inform committee decisions” and called for “wider representation where views of all faith groups are considered”.⁴⁹ While the Scottish Council of Jewish Communities argued that religious appointees “should be extended to analogous groups”.⁵⁰

Similar views were expressed by other groups, including The Scottish Parent Teacher Council which “would advocate that education committees reflect the population of our schools more effectively and that religious representative be drawn from a wider faith community”⁵¹, and the Glasgow Theosophical Society which would support “the co-opting of representatives from all faiths and none”.⁵²

The statute would make it very difficult to appoint a representative for the non-religious as a religious appointee regardless of the local religious make up and no council currently does so. Councils could choose to appoint an unelected representative for their non-religious community outside of the designated three religious appointees. Alternatively, a

⁴⁵ gov.scot/publications/regional-improvement-collaboratives-rics-interim-review/ | secularism.org.uk/news/2017/07/scottish-government-plans-to-roll-back-religious-influence-over-education/

⁴⁶ nomorefaithschools.org/news/2018/06/how-to-teach-in-a-catholic-state-school-in-scotland

⁴⁷ parliament.scot/S5_PublicPetitionsCommittee/Submissions%202016/PE1623_T_HSS.pdf

⁴⁸ parliament.scot/S5_PublicPetitionsCommittee/Submissions%202016/PE1623_B_ChurchofScotlandChurchandSociety.pdf

⁴⁹ parliament.scot/S5_PublicPetitionsCommittee/Submissions%202016/PE1623_N_MCS.pdf

⁵⁰ parliament.scot/S5_PublicPetitionsCommittee/Submissions%202016/PE1623_S_SCoJeC.pdf

⁵¹ parliament.scot/S5_PublicPetitionsCommittee/Submissions%202016/PE1623_P_SPTC.pdf

⁵² parliament.scot/S5_PublicPetitionsCommittee/Submissions%202016/PE1623_I_GlasgowTheosophicalSociety.pdf

council could seek to stretch the definition of the third representative in order to have a Humanist appointee⁵³:

c)... 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.

A council⁵⁴ could advance the argument that a Humanist organisation⁵⁵ could be included under the definition of “denominational body”, especially if it had a regular meeting place where it conducted some activity analogous to worship, e.g. fellowship, reflection etc. This would likely be the subject of a legal challenge.

We do not believe that the answer to privilege is simply to spread (and so legitimise) that privilege a little wider. We would be as critical of individuals being given privileged input based on their position within an irreligious organisation as we would of religious appointees.

Many non-religious citizens are already very active in all the civic and democratic ways to influence education policy which are open to them, and are not crying out for this additional special avenue. Humanists may be just as qualified and interested in the role as any religious appointees. However, only a tiny portion of Scotland’s non-religious majority identify as Humanists and there would be no reason to presume that Humanist Appointees would be any more representative of ordinary non-religious citizens than religious appointees are of religious citizens.

⁵³ We use the term “Humanist appointee” for several reasons. If religious appointees were opened up to organisations claiming to represent the non-religious, then as with SACREs in England & Wales, this would end up being Humanist by default. A generic term of “Non-religious Appointee” would be problematic as any parent, teacher pupil or trade union appointee would be ‘non-religious’ in that their appointment would (or should) be without reference to religion. The proper negation of religious would be irreligious, but the term “Irreligious Appointee” is unlikely to be widely adopted.

⁵⁴ Or an individual applying for a religious appointee post.

⁵⁵ Or some other irreligious organisation or organisation seeking to represent the non-religious.

Recommendations: The way forward

By far the simplest and best solution would be for the Scottish Government to revoke the rights of religious appointees to sit on council education committees.

Religious representatives would then feed their views in through the normal civic/democratic process, just like any other citizen, but they would not be given any special or institutional weight.

Until such legislation is introduced, the most viable short term solution is for councils to amend their standing orders to remove religious appointees' voting rights and to consider further reforms to:

1. Restrict unelected religious representatives' attendance and interventions to narrowly defined education issues.
2. Not give religious representatives any undue influence or deference on education issues.

There are also a variety of medium term solutions which may help alleviate, but would not solve, the problems identified in this report.

1. **Delegation:** Despite its current hostility to removing unelected religious representatives, the Scottish Government may be persuadable on a more limited legislative change to delegate this decision to local councils.

Councils could then make their own decisions in consultation with their communities over whether to continue appointing religious representatives and what powers to grant them. If a Council were to appoint such representatives, it would have to demonstrate the appropriateness of this decision.

2. **Open selection:** As discussed above in response to the arguments put forward for religious appointees, even if these are considered legitimate aims it does not follow that the current system of religious appointees is necessary or desirable in achieving these aims. Councils could conduct an open selection programme inviting applicants from any background to apply for these positions. This would require legislative changes, or for the religious denominations to agree to sign off on the appointment of those selected through this open method.
3. **Voluntary solution:** Though it may seem unlikely, religious organisations may be persuaded to support a voluntary solution if convinced of the moral case against their own privileged position. Religious appointees once in place could voluntarily recuse themselves from voting or sitting on education committees and request to be treated simply as ordinary interested citizens.

The problem with such an approach is twofold. Firstly, institutions of all types are reluctant to give up privileged access to power. Secondly, it is likely to be asymmetrical, if some religious appointees took such a moral stand but those most likely to take advantage of their privileged position to promote their agenda did not.

More information: secularism.org.uk/ReligiousAppointees

Related enquires: education@secularism.org.uk

The National Secular Society (NSS) is a not-for-profit non-governmental 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.

Add your voice to the call for a secular democracy; make a stand for freedom, fairness and human rights by joining the National Secular Society today.

