

PE1623/V

Scottish Government submission of 3 March 2017

Thank you for your letter of 3 February in respect of Petition PE1623 from the Scottish Secular Society calling for changes to the current practices under Section 124 of the Local Government (Scotland) Act 1973 which requires that local authority education committees must include members nominated by various churches.

Following your meeting on 2 February you requested the Scottish Government's timescale for publishing the Education Governance Review findings and whether an assessment of the position of unelected church appointees had been undertaken in respect of the Public Sector Equality Duty.

As you are aware, the Education Governance Review was launched by the Deputy First Minister on 13 September 2016 and ended on 6 January 2017. The purpose of the Education Governance Review was to ask consultees about the role that every part of our education system plays to deliver education in Scotland and how this could be improved. The consultation asked 17 questions, covering 5 key areas:

1. Empowering teachers, practitioners, parents, schools and communities
2. Strengthening 'the middle' – how teachers, practitioners, schools and other local and regional partners work together to deliver education – including through encouraging school clusters and the establishment of new educational regions
3. A clear national framework and building capacity in education
4. Fair funding – learner-centred funding
5. Accountability

The Scottish Government received over 1100 responses to the consultation, including a response from the Scottish Secular Society, in addition to this over 700 people attended the public engagement sessions.

The consultation responses, where permission was given, were published on the Scottish Government's consultation hub on 3 February. The Scottish Government is now taking time to consider these responses, and wider evidence, and will publish their findings in due course.

In relation to the issues of an EQIA, in 1996, section 124 of the Local Government (Scotland) Act 1973 was substituted into that Act by the Local Government etc. (Scotland) Act 1994. As this predates the Equalities Act 2010 there was no requirement to carry out an assessment of this provision in terms of the public sector equality duty at the time it was instructed.

The Public Sector Equality Duty in the Equality Act 2010 has three main elements. It requires public authorities to have 'due regard' to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act

(b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

Please be assured that we will seek to undertake an Equality Impact Assessment on any policy proposals emerging from the Education Governance Review. It is our intention that once this process has been undertaken we will then consider any of the Scottish Secular Society's proposals that are not addressed through any changes made by the Education Governance Review.