

WEST DUNBARTONSHIRE COUNCIL**Report by Chief Education Officer****West Dunbartonshire Council – 09 February 2022**

Subject: Scottish Youth Parliament Membership of Educational Services Committee

1. Purpose

- 1.1** The purpose of the report is to ask Council to determine whether there should be Scottish Youth Parliament members nominated to serve on the Educational Services Committee.

2. Recommendations

- 2.1** It is recommended that the Council:

- (i) Approves the recommendation of the Educational Services Committee by permitting the addition of two Scottish Youth Parliament members on the Education Services Committee.
- (ii) Agrees that voting members of the Committee require to be over the age of sixteen years old.
- (iii) Agrees that such Members should be excluded from consideration of matters covered by consultation under the Schools Consultation (Scotland) Act 2010, or any matter, which may directly involve the management of their particular school, rather than more general educational matters or matters which effect all schools or particular stages of education, generically.
- (iv) Amends Standing Orders to give effect the above proposals.

3. Background

- 3.1** Following the report by the Chief Education Officer to the December 2021 Educational Services Committee it was approved by Committee that they were in favour of the addition of two Scottish Youth Parliament members to the make-up of the Committee and that the matter be referred to Council to determine as there will require to be an amendment to Standing Orders to accommodate the proposal.
- 3.2** As the request to amend Standing Orders falls outwith the review period provided for in Standing Order 20(d), Standing Order 20(d) will require to be suspended in terms of Standing Order 28, to allow consideration of the item.

4. Main Issues

- 4.1** This report asks Council to determine whether it believes there should be Scottish Youth Parliament representation on the Educational Services Committee.
- 4.2** The decisions of the Educational Services Committee have a direct impact on the children and young people of West Dunbartonshire and as such it is important that their voice is heard as part of the democratic process. Schools involve young people in their own decision making processes through Pupil Councils and pupils aged 16 upwards have voting rights in Scottish Parliamentary Elections. It has been noted recently how young people have embraced issues such as the climate change agenda reminding decision makers that they require to have their voices heard globally. This proposal opens up the opportunity for them to influence local educational matters as key stakeholders.
- 4.3** The presence of members of the Scottish Youth Parliament on the Educational Services Committee will add an additional dimension to the Committee and will contribute in supporting adoption of the principles in The United Nations Convention on the Rights of the Child by allowing the youth representatives a voice and voting position (if aged 16 years or over) within the Educational Services Committee
- 4.4** Scottish Youth Parliament elections are held in Scotland every two years, with the most recent Election having taken place in November 2021, so the method chosen for the selection of the Members is straightforward and transparent. West Dunbartonshire Council has two elected Scottish Youth Parliament members and this process is replicated every two years, which, if the proposal is accepted, would result in an automatic renewal of membership to serve the Educational Services Committee assuming the member wished to do so.
- 4.5** Recent successfully elected candidates are Jessica Boyle (15 years of age) who will represent Clydebank and Milngavie constituency and TianQi Yu (16 years of age) who will represent Dumbarton constituency. Their new roles begin in March 2022 so Council are asked to note that if approved there would be one eligible voting member and one non-voting member.
- 4.6** While it is possible for members of the Scottish Youth Parliament to be as young as 14 years, it is proposed that voting rights be restricted to those age 16 and over. This suggested age qualification reflects the law of Scotland as regards the age of legal capacity and the fact that sixteen years and above is recognised, through the grant of democratic rights, as an age of which individuals can be expected to understand and participate in significant decision making processes.
- 4.7** Given the implications for confidentiality in respect of potentially sensitive information, Council will need to consider whether, in the event of exclusion of press and public, such Members would require to be excluded from consideration of certain items.

- 4.8** When discussed at Educational Services Committee some concern was expressed over the appropriateness of the requirement of such members to participate in matters such as school closures where they are likely to be more vulnerable than other Committee Members to pressure and lobbying from individuals and pressure groups. Having considered the matter further, officers are of the view that when any matter which falls to be covered by a consultation under the Schools Consultation (Scotland) Act 2010, or any matter which may directly involve the management of their particular school, rather than more general educational matters or matters which effect all schools or particular stages of education, generically, they would require not to participate. This will require care in the construction of agendas but it is believed this can be accommodated without great difficulty.
- 4.9** While the Committee would offer Membership to the local members of the Scottish Youth Parliament, they are under no obligation to accept and in such circumstances, the position would remain vacant.
- 4.10** In terms of Section 124(2)(a) of the Local Government (Scotland) Act 1973, it is essential that any committee determining educational matters has at least half of its membership drawn from Members of the Authority. The Committee currently has three Church representatives, two Trade Union representative and two parent representatives. Were Council to agree to amend membership as recommended this requirement would still be met comfortably.
- 4.11** To alleviate Members' concerns regarding the responsibility placed on the young person an alternative to voting rights could be an option whereby the Scottish Youth Parliament members would only attend the Educational Services Committee as an observer. Members may wish to consider whether they would wish to consider such an approach as an alternative to the proposed model.

5. People Implications

- 5.1** There are no people issues arising from this report.

6. Financial and Procurement Implications

- 6.1** There are no financial or procurement implications associated with this report.

7. Risk Analysis

- 7.1** It is considered that there is a risk that if such members of the Scottish Youth Parliament were to consider matters such as proposals under the School's Consultation (Scotland) Act 2010, they would be more vulnerable to inappropriate lobbying and pressure than other members of the Committee. The proposal to preclude such matters from their consideration as narrated in Paragraph 4.6 of the report is considered to address this risk and reflects the Council's Duty of Care to young persons.

8. Equalities Impact Assessment (EIA)

8.1 EIA conducted and included as Appendix 1.

9. Consultation

9.1 The Chief Education Officer consulted Legal Services and Finance in the preparation of this report.

10. Strategic Assessment

10.1 The inclusion of the Scottish Youth Parliament members will provide an additional level of scrutiny to the Education policies, which will accordingly assist the Council in delivering a fit for purpose education services.

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10 January 2022

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Appendices: **Appendix 1** – Equality Impact Assessment

Background Papers: **Scottish Youth Parliament Membership of Educational Services Committee** – Educational Services Committee Report

Wards Affected: All Council Wards