

PE1487/II

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Public Petitions Committee

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18 December 2013

Dear Sir/Madam

Thank you for your letter of 21 November about the Scottish Parliament Petition PE1487, *calling for the Scottish Parliament to urge the Scottish Government to amend the Education (Scotland) Act 1980 by making Religious Observance (RO) in public schools and “opt-in” activity rather than an “opt-out” one.*

At its meeting on 12 November the Committee agreed to seek the views of the Scottish Government on further questions from the Scottish Secular Society.

I shall take each question in turn:

*1. Why, if Religious Observance is indeed inclusive and non-confessional as per its stated aims, do the minorities whom the current system says that it seeks to include not actually feel included?*

We strongly recommend that schools work with their local authority and the wider community to develop opportunities for inclusive and meaningful Religious Observance. Ultimately, it is for schools and local authorities to decide who they invite into their schools, and we would encourage them to think this through carefully, in consultation with parents, and conscious of the need to be inclusive and relevant.

*2. If the current law is sufficient, parental rights have been communicated clearly including the right to withdraw and the need to provide information on which to base a decision, is that right still missing from many school handbooks? Why did the YouGov poll find that only 1 in 5 parents are told by the school of the right to withdraw, and 40% never find out at all?*

The YouGov poll was carried out in March 2012. Since then in terms of parents' awareness and involvement the Education (School and Placing Information)(Scotland) Regulations 2012 make provision about what a school's handbook should say about how the school plans and

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provides its curriculum, including Religious Observance. The School Handbook should be reviewed and revised by 8 December in each calendar year to ensure the information provided is up-to-date.

*3. How is the Scottish Government ensuring that when a child withdraws from religious observance they are not disadvantaged, when we show clearly that in many cases they are? How does the Scottish Government monitor Religious Observance including opt outs to ensure children are not penalised or disadvantaged?*

It is for the school and local authority to ensure that alternative arrangements are in place so no child is disadvantaged. That said, the Scottish Government will continue to work with Education Scotland to support schools and local authorities to improve Religious Observance.

*4. Does the Scottish Government take the view that since opt out numbers are relatively low that this should form the basis of policy? As per the above statistics, and the testimony of parents, we show that many do not know of the right to withdraw or do not exercise it because they fear the consequences, hence the actual numbers are artificially low.*

Scottish Ministers have always been clear about the value that Religious Observance can have for young people in schools. It can offer opportunities for young people to reflect meaningfully on different points of views and values, including their own. As we have said previously, parents and young people have the right to withdraw from arrangements that are in place and to work with the school so that learners engage in suitable alternative activities. Schools should be willing and able to let parents know how religious observance will be offered to pupils.

*5. What steps have the Scottish Government taken to ensure schools know what a suitable alternative activity is, given that there is abundant material on what constitutes Religious Observance on Education Scotland's website but not one single entry regarding a suitable and meaningful alternative?*

We will continue to work with Education Scotland, faith and non-faith groups to identify examples of good practice and areas needing support. In early 2014, Education Scotland is planning a Conversation Day for Religious Observance with representatives from local authorities, which will be an important step forward in our work to support practitioners in the delivery of Religious Observance.

*6. How does the Scottish Government balance the rights of the parent and/or the child who may wish to withdraw from Religious Observance in denominational schools? In the latest guidance the Scottish Government state that parents who have sent their child to a denominational school have accepted their ethos, and yet these schools are open to all under the law, and we have testimony from parents saying their children attend for a variety of non-faith reasons.*

Children and their parents at denominational schools have the same rights as those at non-denominational schools. It is widely accepted that many parents choose to send their child to a denominational school and therefore accept the faith element of the curriculum. Within denominational schools, the faith stance of the school is generally promoted across the curriculum and not just through RO and RME lessons. Children and young people are entitled to a broad general education and therefore it would not be possible to withdraw a child from every class or subject that may have a faith element.

7. Do children at denominational schools have in law any less rights than those in non-denominational schools?

No.

8. How does the Scottish Government reconcile the many discrepancies between their stated position and their view of the current system with the extensive evidence we have submitted?

The Scottish Government is still of the opinion that based on the evidence provided the existing legislation is still relevant and up to date. There is scope to deepen practitioners' understanding of Religious Observance, the benefits it can bring, what good practice looks like and how schools can communicate effectively with parents about Religious Observance.

We have read the additional submissions with great interest. A wide range of views are expressed, and people clearly have different perspectives, often linked to their own experiences. Overall, the submissions point on the one hand to significant support for Religious Observance in schools in terms of the experience and opportunities it can offer young people. On the other hand, the submissions do point to the need for improvements in practice and communication, as outlined above at point 8 in particular.

Yours faithfully

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