



The Church of Scotland

Official Response

Subject: Schools - religious observance and religious and moral education: consultation
Requested by: The Scottish Government
Date: 25 January 2025
Prepared on behalf of: The Public Life and Social Justice Programme Group with the Education and Schools Group

The Church of Scotland welcomes the opportunity to comment on the proposals to amend the legislation on religious observance and religious education in schools.

It is important to be clear at the outset that Religious and Moral Education (RME, termed religious education (RE) in Roman Catholic Schools) and Religious Observance (RO) are distinct. RME/RE is a core curricular subject: in 2011 Scottish Curriculum for Excellence (CfE) Guidance on RME, this is stipulated as including ‘well-planned experiences and outcomes across Christianity, world religions and developing beliefs and values. In contrast, RO is defined in 2017 CfE Guidance as “community acts which aim to promote the spiritual development of all members of the school’s community and express and celebrate the shared values of the school’s community”.

We agree that the views of children and young people should be considered in all areas of the curriculum, as encouraged by documentation relating to Curriculum for Excellence (CfE). We are fully supportive of measures to enhance pupils voice, and to encourage the use of their voices to impact positively on their educational experience as exemplified by How Good is our School (Scottish Government, 2024).

CfE Briefing 16 (Scottish Government, 2014) describes how “In all cases, RO has an important part to play in children and young people’s development. It also helps the whole school community to reflect upon and develop a deeper understanding of the worth and contribution of each individual. As such, RO contributes directly to the intended outcomes of CfE.” In so doing, CfE Briefing 16 is clear that: “...schools are expected to set a clear rationale for the approach taken and to involve parents and children and young people in decisions about the RO programme.”

We agree with the application of the United Nations Convention on the Rights of the Child (UNCRC) to all curricular areas. The “*Curriculum for Excellence: Religious and Moral Education Experiences and Outcomes*” (Scottish Government, 2009) acknowledges the importance of RME to children and young people as a vehicle to: “..develop [my] beliefs, attitudes, values and practices through reflection, discovery and critical evaluation.” We are concerned that this consultation may be open to being interpreted as a further right to withdrawal from RME. This consultation should only relate to including pupil voice as part of the current process. Indeed, the interdisciplinary approach to curriculum planning would render discrete withdrawal extremely complicated, if not unmanageable. This would also be detrimental to the holistic nature of the curriculum in preparing children and young people for effective participation in a diverse and multifaith Scottish society.

Since the Education (Scotland) Act 1980, both RO and RME have undertaken significant developmental journeys, particularly in relation to Personal Search and the development of beliefs and values. There has been a tectonic shift in terms of its approach (articulated in guidance such as *Curriculum for Excellence – Provision of Religious Observance in Scottish Schools – March 2017*), away from an emphasis on *instruction* towards *education and reflection*.

In terms of the number of children and young people withdraws in schools currently, little formal research exists (Nixon, 2016) and (Nixon, 2023), with one paper relating to RO and the other to RME, both stating clearly that the numbers involved are very small. There is no evidence or research to support greater demands from parents to withdraw their children from RO or RME. This may in part be a reflection of the way in which these areas of the curriculum are taught today, which are appropriate and meaningful in terms of educational value. Parents value the multifaith nature of RME and the way in which schools apply this learning to the development of well-rounded individuals. In relation to religious observance or Time for Reflection, in many schools pupils are involved in the planning and delivery of assemblies, including those with a religious or spiritual focus.

Therefore, we would suggest that, should any concerns remain in relation to the application of the UNCRC to ensure that the views of young people be taken into account be deemed necessary, this might best be done by way of providing further guidance to local authorities, rather than by altering the legislation.

Consultation Questions

1. What are your views on the proposed changes, including in terms of practicality for schools and ease of implementation?

We share the principled concerns of the UNCRC, and believe these concerns could best be accommodated through amended advice to local authorities rather than through legislation. We do not consider legislative change to be necessary. We would advise that a very light touch should be applied to any changes to guidance or legislation.

A further concern is that there are potentially significant implications for schools in terms of accommodating pupils who are withdrawn from timetabled subjects. Currently this number is very small, but any substantial increase would have resource and staffing implications for schools.

There are considerable difficulties anticipated for schools should there be a conflict of views between parents and their children. This is not a situation that schools should be left to deal with; guidance from the Scottish Government would be required. Will there be guidance on what “giving due weight to a child’s views” will actually mean in practice when their parents exercise a right to withdraw?

2. What do you anticipate being the main positive and negative implications of these changes, including for schools, pupils, parents and any financial implications? How might any negative implications best be addressed?

We see the fundamental benefits of Pupil Voice across the whole curriculum, including RME and RO. Taking account of the views of pupils is always welcome in terms of increasing the

relevance of the curriculum for them. It must be ensured that, in taking account of the views of children and young people on withdrawal, it should not result in unintended consequences, including issues such as those raised under Question 1.

3. What insights or experiences do you have regarding how the right to withdraw from religious observance and RME/RE currently works in schools, including how schools communicate with parents, the pupil's voice and the practical application of the withdrawal process?

Schools generally communicate the right to withdraw in the School Handbook, with wording provided by the local authority. When requests are made to schools, parents are generally invited to come into school to discuss the reason and implications of any withdrawal. At this point the head teacher may also ask for the views of the pupil. On most occasions during this discussion parents become much more aware of how RME and RO have changed since their own experience and they decide not to withdraw their children and young people. This occurs because they can see the benefits of RME and RO as it is taught and experienced by pupils in schools today and reiterates the holistic nature of the curriculum.

While we are aware of anecdotal examples where there is poor practice of RO which is not inclusive/ whole school or responsive to pupil views, we would argue that the answer is not to opt-out but for schools, LAs and SG to do more to promote better standards.

The Scottish Government needs to give clear guidance as to how any change to the law might impact on the numbers formally requesting withdrawal, and the consequent capacity of the schools to administer such requests.

As stated previously, we are also unclear as to what "giving due weight" means, especially as this is likely to change as a child grows and matures, with consequent changes in their capacity and reasoning. Detailed guidance would need to be shared with local authorities at the earliest stage, should the law be changed in this regard.

As stated above, very few pupils are currently withdrawn from RME/ RE and RO. Exacerbation of disagreement between parents and their children, which could arise from expanding the withdrawal process, is undesirable and should be avoided. Such disagreement could cause considerable difficulties for schools: detailed advice in this regard should be available to schools before any changes are implemented.

4. Do you think the proposed changes offer a reasonable way forward at this time to address questions about UNCRC compliance?

Questions about UNCRC compliance require to be addressed across the whole curriculum, not just RME and RO. There is no hierarchy of curriculum areas value in CfE: RME is as *baked in* to the overall curricular experience as all the other curriculum areas. To try to establish some kind of hierarchical value of some curricular areas would result in damaging the integrity of CfE as a whole.

5. What mechanisms do you think would be most effective for ensuring that schools and parents give due weight to pupils' views when considering withdrawal from religious observance or RME/RE?

Detailed guidance and legal advice should be provided by the Scottish Government for local authorities before any proposed changes are implemented by schools. This is essential to ensure that a consistent approach is taken. This should not be a matter for local authorities or schools to determine for themselves.

- 6. As part of our work to bring forward amendments to legislation, we will finalise a Children's Rights and Wellbeing Impact Assessment, and an Equality Impact Assessment. To help inform this work, we would welcome your views on the impact of our proposals on children's rights and equalities, as well as any related evidence/research you may be aware of.**

As we have stated, we feel strongly that a modification of the existing guidance, rather than legislation, is the best way forward in this situation. Such an approach would potentially negate the need for further impact assessments.

As previously indicated, a nationally accepted understanding of the educational validity of RME and RO should be the first priority. RME is an established curricular area in its own right, alongside the other 7 curricular areas, and the delivery of RO is subject to The Scottish Government's Curriculum for Excellence - Provision of Religious Observance in Scottish Schools - March 2017. In our view, therefore, the delivery of RME and RO is fully compliant with the universally agreed prerequisites of children's rights, wellbeing and inclusion.

References

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Scottish Government (2014) CfE Briefing 16: Curriculum for Excellence: Religious Observance (Time for Reflection) <https://education.gov.scot/media/br4b24i1/rme26-cfe-briefing-religious-observance.pdf>