

Official Response

Subject: Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill
Requested by: The Scottish Parliament Equalities, Human Rights and Civil Justice Committee
Date: 29 August 2025
Prepared and agreed by: Public Life and Social Justice Programme Group

The Church of Scotland seeks to inspire the people of Scotland and beyond with the Good News of Jesus Christ through enthusiastic worshipping, witnessing, nurturing and serving communities.

The Church of Scotland is one of the largest organisations in the country. We have around 245,000 members, with more regularly involved in local congregations and our work. We have around 650 ministers serving in parishes and chaplaincies, supported by both centrally and locally employed staff.

Most of our parishes are in Scotland, but we also have churches in England, Europe and afield. The Church of Scotland plays a pivotal role in Scottish society and works with communities worldwide.

This response has been prepared and agreed by the Church's Public Life and Social Justice Programme Group in consultation with the Education and Schools Group.

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1. What are your views on the proposed changes in the Bill to require that a child is informed if their parent asks for them to be withdrawn from either or both RME/RE and religious observance in school

We support the principle of children being informed and involved about decisions which affect them and their education. Our understanding from dialogue with education practitioners, including managers, is that where there are parental requests to withdraw at present, the best practice is that this communication and consultation does happen in a way which is age and stage appropriate for the child.

In our pre legislative consultation response we said that any change in this area should be limited to the inclusion of pupil voice in the process. 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.

2. What are your views on the proposed changes in the Bill to require that a child is given the chance to express their views; and where the child's views are different from the parent's views, the school would have to follow the child's wishes? Please note, this only applies where the parent wishes to withdraw their child, but the child wishes not to be withdrawn.

As we support the principle of children's involvement in decisions which affect them, we support them being given the chance to express their views. We believe this already happens in a way which is appropriate to the age and stage of the child. Where it does not happen, we would suggest it is a case for training, learning and development rather than necessarily imposing new duties on schools. We have not seen evidence that a change in primary legislation is either necessary or the best means of achieving the policy objective.

We acknowledge the many references throughout the UN Convention on the Rights of the Child to the rights of parents and carers, and that it cannot be assumed that a child's opinion must always carry more weight than a parent's. Each case is individual and will depend on the capacity, age and stage of the learner. Legislating for this needs to be done carefully as it could excessively tie the hands of schools, learners and parents to be able to have constructive conversations.

3. What do you anticipate being the implications of this Bill for schools, pupils and parents?

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.

We have concerns that schools may need more support when required to offer alternative learning provision if there is a higher number of learners withdrawing from Religious Observance and Religious and Moral Education. The existing guidance (Curriculum for excellence – provision of religious observance in Scottish schools March 2017) states that Religious Observance should be “meaningful and inclusive”. We would like to know if the Scottish Government has information on the number of withdrawals at present and what “worthwhile alternative activities” are offered, and how schools manage this.

4. What insights or experiences do you have regarding how the right to withdraw from religious observance and RME/RE currently works in schools?

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 reflects and reinforces 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, Local Authorities and Scottish Government to do more to promote current best practice.

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.

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.

5. **This Bill will introduce an exemption to the section 6 compatibility duty of the UNCRC Act in circumstances where a public authority is compelled to act incompatibly with UNCRC requirements in fulfilment of another Act of the Scottish Parliament. This mirrors the approach taken to Acts of the UK Parliament. Do you have any thoughts on this approach?**

[nil response]

6. **Have you got any other comments on the Bill?**

We contributed to the pre legislative consultation and our response is here:
https://www.churchofscotland.org.uk/_data/assets/pdf_file/0019/130393/2025.01.27-Schools-religious-observance-and-religious-and-moral-education-consultation.pdf

Questions about UNCRC compliance require to be addressed across the whole curriculum, not just RME and RO. There is no hierarchy of curriculum areas in Curriculum for Excellence: 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. e.g. If a parent who fundamentally disagreed with the evidence of global heating, would they have a right to withdraw a child from science lessons? The language of the 1980 Act right to withdrawal is in relation to “instruction” as well as “observance” is probably open to interpretation, where “instruction” could mean to teach the religion (its values, habits, worldview) which is distinct from “education” about the religion (a reflection about what its believers’ values, habits and worldview is) – which we would suggest should be a continuing necessary and mandatory part of a broad general education in our multifaith society and world.

Religious and Moral Education

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 guidance note ‘Curriculum for Excellence - Provision of Religious Observance in Scottish Schools - March 2017’. In our view, if RME and RO is delivered as set out in this guidance, it should already be fully compliant with the universally agreed prerequisites of children’s rights, wellbeing and inclusion.

In non-denominational schools RME is a core curricular subject: in the 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.’

We agree that the principles set out in the United Nations Convention on the Rights of the Child (UNCRC) should be considered in 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.” Opting-out will make it harder for learners to achieve this level of development.

Religious Observance

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.”

Tolerance, pluralism and respect

As lawmakers, we hope the Committee and Parliament will take the opportunity of this Bill to make the case for more understanding of differing faiths and beliefs, and that through learning and experiences in schools as part of RO and RME we can break down barriers of ignorance, racial and religious hatred, and bigotry. In an increasingly diverse and multicultural society, in a world where global connections and communication are deeply entrenched, to understand and appreciate the ideas, feelings and emotion which motivates people is a way to help to have empathy with others near and far.