



Scottish Government consultation on Religious Observance (RO) guidance

Proposed revisions of relevance:

3. Importance of schools communicating effectively about their RO plans.
4. Clarity about the relevance of young people's own views in any discussions about withdrawal from Religious Observance.

Key points from Together:

Whilst welcoming the Scottish Government's proposal to revise the guidance on religious observance, Together is clear this initial consultation does not fully implement the UN Committee's Concluding Observation and can only be seen as a first step in taking the recommendation forward.

Together supports the full implementation of the UN Committee on the Rights of the Child's 2016 Concluding Observation that:

*"the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school."*¹

In this initial revision of the guidance, Scottish Government can give further effect to its UNCRC obligations to children and young people as follows:

Article 5 of the UNCRC²: Article 5 of the Convention states that direction and guidance, provided by parents or others with responsibility for the child, must take into account the capacities of the child to exercise rights on his or her own behalf. The article recognises children's "evolving capacities", stressing that parental guidance should be conditioned upon this evolving capacity. In other words, as children mature, they should be allowed greater freedom of choice and respect for their ability to fully exercise their rights, including decisions to withdraw from Religious Observance. More can be done to create an environment within Scottish schools that affords children and young people greater respect for their potential for participation in and responsibility for decision-making in their own lives, consistent with their evolving capacities and mirroring Article 12³.

Article 12 of the UNCRC: The connection of Article 12 to Article 5 is of special relevance⁴, since Article 12 stipulates that the child's views must be given due weight, whenever the child is capable of forming her or his own views. In other words, as children acquire capacities, so they are entitled to an increasing level of responsibility for the regulation of matters affecting them. In not giving children the right to withdraw themselves from Religious Observance, in accordance with their age

¹ CRC/C/GBR/CO/5: Para: 36.

² UNCRC, Article 5 (evolving capacities of the child)

³ UNCRC, Article 12 (right to be heard)

⁴ General Comment No. 12, CRC/C/GC/12

and capacity, the guidance does not adequately respect the rights of children to have their views heard and taken account of in decisions affecting them. It may also infringe on the standards imposed by Standards in Scotland's Schools etc. Act 2000⁵, in that due regard is not given to the views of the child in a decision that could be seen to significantly affect that child⁶.

Article 12 also sets out standards of participation for including children and young people in decision-making processes. In revising the guidance on Religious Observance in schools, Scottish Government should put in place a clear and systematic strategy to ascertain the views of children and young people. Children's views and experiences must be taken into account in the development of the revised guidance in relation to both the communication of Religious Observance plans within schools as well as the statutory right to withdraw from Religious Observance currently only afforded to parents/carers.

Children and Young People (Scotland) Act 2014: Under Part 1 duties of the 2014 Act⁷, Scottish Ministers are required to give due consideration to ways in which the UNCRC can be better implemented in Scotland and to take account of the views of children and young people. Scottish Government should conduct a Child Rights and Wellbeing Impact Assessment on the revision of the guidance relating to Religious Observance to assess and evidence its full compliance with the UNCRC and other human rights treaties. Particular attention should be given to taking into account children's 'evolving capacities' and their right to have their views heard, in line with UNCRC Articles 5 and 12⁸.

⁵ Standards in Scotland's Schools etc. Act 2000. <http://www.legislation.gov.uk/asp/2000/6/contents> [Date accessed: 15.02.17].

⁶ Standards in Scotland's Schools etc. Act 2000 Section 2(2).
<http://www.legislation.gov.uk/asp/2000/6/section/2> [Date accessed: 15.02.17].

⁷ Children and Young People (Scotland) Act 2014, Part 1.
<http://www.legislation.gov.uk/asp/2014/8/part/1/enacted> [Date accessed: 15.02.17].

⁸ Together, 2016. State of Children's Rights report, see recommendation on p 45,
<http://www.togetherscotland.org.uk/pdfs/TogetherReport2016.pdf> [Date accessed: 15.02.17].



The Educational
Institute of Scotland

EIS comments on proposed revisions to the Scottish Government guidance on Religious Observance

February 2017

The EIS welcomes the opportunity to comment on proposed revisions to the guidance on religious observance (henceforth RO).

We note that there are five proposed revisions to the guidance, and that these broadly concern:

1. Setting the guidance in an updated context
2. Clarity about the definition of RO and about the equal validity of 'Time for Reflection'
3. The importance of schools communicating effectively about RO plans
4. Clarity about the relevance of young people's views in any discussion about withdrawal from RO
5. Re-numbering, formatting and nomenclature updates.

Our views on each proposed revision are below. In addition, we wish to make a number of general comments and observations, focusing in particular on recognising that many people have no faith/belief; frequency of religious observation; facilities; and staff right to withdraw.

Comments on proposed revisions

Proposed revision 1

We support this change. It is important and helpful for teachers using this guidance to have quick links to related guidance, as many teachers lack time or IT resources to easily find reference documents. (We note that the link in the current draft to CfE briefing paper 16 is not correct, due to changes to the Education Scotland website; and that there is no link provided re: the 2012 regulations. Likewise, links should be provided to the policies on RME in non-denominational schools, and on Religious Education in Catholic schools.)

Proposed revision 2

We support the change to this text, as the broadening out of terminology to convey a more inclusive approach, in which schools are enabled to select the most appropriate term for their provision of RO, is welcome.

We also welcome the proposal to make this section more prominent, as setting out definitions at the outset is helpful. However, we would suggest that the wording be changed slightly, to "...all aspects are equally relevant when the terminology 'Time for Reflection', **or equivalent**, is used". This should consolidate that the intention is to enable schools to define RO in ways which are meaningful to their contexts and communities.

Proposed revision 3

We support this change. It is helpful to have clarification that RO should be subject to the same kind of communication that pertains to other aspects of school provision. Communication about RO is particularly important given that parents have a right to withdraw pupils from this; and that young people may increasingly wish to withdraw themselves. People cannot exercise rights they are unaware of holding. Good communication also enables good planning, which is vital in a climate whereby teachers have heavy workloads and multiple competing demands.

Proposed revision 4

We support this change, to an extent, but believe it could be strengthened. It is vital for schools to take a participative, consultative approach to RO which is compliant with human rights approaches. Clearly stating that children should be included in discussions about aspects of their school experience is sensible, but insufficient. We would wish to see the wording of this statement strengthened.

EIS policy is to support the right of pupils in Scottish schools at a suitable point in their development to decide for themselves whether or not to participate in religious observance in schools. This capacity to decide to withdraw may be present from around the age of 12, and certainly by the age of 16-18. We also acknowledge that younger pupils in certain circumstances may wish to exercise this right, and that this right must be recognised.

We note that the UNCRC stated in 2016 that pupils should be able to independently exercise the right to withdraw from RO, in its concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland. The UNCRC did not limit this right to pupils of any particular age. It was critical of the situation in England where only 6th form pupils have the right to withdraw. We note that the Scottish Government has obligations under Articles 12 and 14 of the UNCRC and the Children and Young People Act (2014), and we are not convinced that paragraph 20 as proposed is fully compliant with those obligations.

We would wish to stress that in making suitable alternative arrangements, cognisance should be taken of teachers' Working Time Agreements; for example, teachers in the primary sector in particular should not be asked to surrender designated non-class committed time to supervise/ provide alternative activities for pupils who have chosen to withdraw from RO.

Proposed revision 5

These are sensible changes. We particularly welcome the aspects which reflect a more inclusive approach (e.g. the changed heading to 'Diversity', and the use of 'Faith/Belief Representatives' rather than 'Chaplains and other Faith Group Leaders').

Other general comments

Inclusion of people with no religion

We note that the guidance says in paragraph 8 ('Diversity') that Scotland has many faith and belief traditions. It does not say that it also has many people who have no faith or religious belief. We note that a recent Scottish Social Attitudes survey (2016) found that 52% of the population of Scotland said that they are not religious, compared with 40% in 1999. This figure may well be higher for children of school age, as the National Centre for Social Research says that "each generation of Scots has been less likely to identify with a religion".

We would expect the guidance therefore to make reference to people with no religious belief, at various points, e.g. in paragraph 8 and paragraph 11.

We also suggest that more explicit mention could be made of the increasing diversity of Scottish society, which has welcomed nearly 4,000 refugee children and over 1,500 asylum seeking children in the past two years, as well as economic migrants from a wide range of countries. Scotland is becoming a more ethnically diverse country, and with that diversity comes a host of religious views and beliefs, which has significant implications for providing inclusive RO. We believe that faith and belief perspectives from many diverse traditions should be equally valued in Scottish schools.

Frequency of religious observance

We do not agree that the guidance needs to specify the number of times that RO should be provided. This is unduly prescriptive. We think that the frequency of primary and secondary pupils being given an opportunity to participate in religious observance is a matter to be determined by the school community, taking into consideration the ethos of the school, the views of staff, the views of parents and, where appropriate, the views of pupils.

Equality Act

We think that the guidance should mention the Equality Act 2010, as an important piece of context. This is the primary legislation which pertains to discrimination on the grounds of religion or belief in the UK, and as such should be referenced in the guidance.

Facilities

We agree with the recommendation at paragraph 25 that appropriate facilities need to be provided for RO, but we are not aware of any new-builds or refurbishment projects where this aspect has been considered, except for

denominational schools. Indeed, in some new schools, which have moved towards open plan layouts, it may be more challenging now to provide the opportunity, time and space for silence and reflection. If the Scottish Government genuinely intends to encourage participation and diversity then the provision of adequate facilities needs closer attention.

To give schools the maximum opportunity for provision of religious observance, they need adequate physical space, which takes account of the needs of different faith groups in its design; but beyond that, schools also need time set aside within the school day; support from the school community; and commitment from the senior management team.

Terminology

We are not convinced by the term 'spiritual development'. For some members of a school community there may be a tension between 'spiritual development' and the expression and celebration of shared values. We would prefer a broader, more inclusive term to be used, e.g. Spiritual, Moral, Social and Cultural development. Many issues can be raised during RO/Time for Reflection, including moral issues and community issues, and it would be wise to avoid conflating these moral/cultural issues with faith-based spirituality.

Rights of staff

We believe that the guidance should contain explicit mention of the right of staff to withdraw from RO. The right of school staff (teachers and support staff) to withdraw from religious observance, whether on a specific occasion because of the nature of the event, or from all religious observance because of their philosophical and ethical views, must be recognised. These rights should not be constrained by practical issues of supervision or accommodation. In the current climate, in which teacher shortages are creating serious difficulties in schools, with many of our members describing the current situation as a 'cover crisis', this is particularly important to state in very clear terms. It would be unacceptable for members to be obliged to take part in RO because of practical issues. This also related to the right of staff not to take on additional duties of supervising children who have withdrawn from RO, unless this is negotiated as part of a Working Time Agreement.

Concluding paragraph

We welcome the inclusion of reference to self-evaluation and of the School Improvement Plan, and of the need to take account of the views of staff, parents, pupils and partners, in the concluding remarks in paragraph 29. These are sensible changes which reflect the consultative, reflective, approach taken by schools in developing their provision.

Legal basis for RO

We consider that whilst updated guidance is useful in the short-term, in the longer term it will be necessary for the Scottish Government to consider the legal status of RO. The statutory requirement is based on earlier legislation dating back to the period when the government assumed direct responsibility for

the provision of universal elementary education while continuing to recognise in various ways the role of the major Christian denominations in education (and in one case the role of the Jewish faith). We question whether RO still needs statutory underpinning.

More information

For more information on this submission or if you have any queries, please contact:

[redacted]



Making a Christian difference

27th February 2017

[redacted]

Curriculum Unit, Learning Directorate
Area 2B (South), Victoria Quay
Scottish Government
Edinburgh, EH6 6QQ

Dear [redacted]

Review of Guidance on Religious Observance

Thank you for the opportunity to respond to the Scottish Government's informal consultation on the revision of guidance relating to Religious Observance (RO) in schools. CARE for Scotland was pleased to participate in to the debate and the drafting of the current guidance in 2005/6.

At that time we argued that RO should retain its "broadly Christian" character in order to reflect Scotland's Christian heritage and the religious affiliation of the majority of the Scottish people as revealed by results of the 2001 census. We were of the view that to depart from the requirement that RO be "broadly Christian" would be a detrimental step, leading to confusion and a lack of clarity over the appropriate content of RO. Unfortunately our advice was not followed.

We are of the view that the law in Scotland is lacking in clarity. Section 8 of the Education (Scotland) Act 1980 requires that religious observance occurs in local authority schools. Unlike in England, there is no requirement that this should be of a broadly Christian nature or any detail as to its frequency. We note that the parental right to withdraw their child from RO in statute is absolute (section 9).

We have the following concerns about the proposed revised guidance:

- The definition of religious observance in the guidance is vague and meaningless. It is open to a variety of interpretations and is wholly subjective in nature.
- The dumbing down of RO in paragraph 5 into a 'time for reflection' model which celebrates the shared values of the school community poses a problem for many Christian families. It is possible that the vague wording in this document could lead to a situation where pupils from such families may challenge poor RO and choose to absent themselves from it. If RO takes an increasingly syncretistic or atheistic form then many Christian pupils (and their parents) may be uncomfortable participating in such activities.

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- Paragraph 20 does not make clear as to how much weight will be applied to the views of children and young people. For instance:
 - Does taking the views of the child into account relate to the manner/type of religious observance, its frequency or some other element? What happens if this is not in line with the school's plans for RO, as set out in paragraph 16?
 - At what age will the child's view be taken into consideration. Will this be at age 16 when in Scots law children reach the age of majority? Will it be at aged 12 under the Scottish equivalent of the Gillick competence principle? If so, how will the child's maturity and ability to make such a decision be assessed and what objective criteria will be used to make this assessment? How will teaching staff ensure that undue peer pressure or bullying by other pupils has not influenced the child's decision making? If, as you indicated during our recent telephone conversation, this provision is to apply to pupils in S4-S6, how will school managers cope with the logistical issues arising from a significant number of children exercising their right to opt out of RO? For S4 pupils, will they be given the right to opt themselves out of RO regardless of whether they are aged 14 or aged 15? If pupils aged 14 in S4 are allowed to opt themselves out of RO, is there not a danger that the new guidance or an individual local authority will be subject to a legal challenge from a 14 year old S3 pupil who is not allowed to opt him/herself out of RO?
 - The draft guidance is not explicit in giving children a right to opt out of RO, but rather states that pupils should be consulted about aspects of their education and their wishes taken into account. CARE for Scotland is concerned if the intention is that children should be able to withdraw themselves from RO without their parent's consent, possibly in contravention of parents' wishes. Consideration must be given to the potential for a conflict between parental and child rights and that litigation by parents who have been denied their rights may follow. Parents have an ECHR right under Art 2 of Protocol 1 to have their children educated in accordance with their religious and philosophical beliefs. The ECHR does import from other instruments including the UNCRC, however any assessment of child rights within the framework of ECHR would take into consideration the age and maturity of the child concerned. In practice, a balance between conflicting rights would need to be struck. In England, this balance has been established by allowing sixth formers, aged between 16 and 18, the right to opt out of RO.
- There is a need to consider the potential implications for the proposed guidance on denominational schools. Might a local authority not find itself subject to a legal challenge if its denominational schools were to allow 14 year old pupils to opt out of participating in Mass against the wishes of parents?
- Similarly, there may be unforeseen consequences in relation to independent

schools. Section 8 of the Education (Scotland) Act 1980 prohibits local authorities from discontinuing RO unless a poll of local electors has endorsed such a policy. The practice of RO, therefore, is part of the inspection regime operated by Education Scotland. No such duty applies to independent schools, but many choose to incorporate RO within their curriculum as the schools concerned have a specific Christian ethos. This aspect of the life of the school is most likely also inspected by Education Scotland. Will independent schools with a Christian ethos, therefore, come under pressure from Education Scotland through the inspection regime to allow children to opt themselves out of RO? If so, might that not lead to legal challenges being brought against Education Scotland by the schools concerned?

Conclusion

In view of our comments above, it is our view that RO should be returned to its previously 'broadly Christian' character as was reflected in the previous guidance, that a statutory requirement should be placed on local authorities and schools to provide this on a regular basis (weekly in primary schools and at least 6 times per year in secondary schools), that Education Scotland should continue to include scrutiny of the fulfilment of this requirement in its inspection regime and that the rights of parents to have their children educated in accordance with their religious and philosophical beliefs should be respected. Where parents have a non-Christian or no religious belief and wish to do so, they should have a statutory right to opt their child out of RO. We would be concerned if the Scottish Government is proposing to allow children to opt themselves out of RO without obtaining their parents' consent and, if this is so, this should apply only to young people aged 16 and over.

The current guidance should be revised to remove the reference to 'time for reflection' and there should be far more clarity on how schools can involve children in a way that does not undermine parents' statutory right of withdrawal. In our view, children in S4 are too young to exercise the right of withdrawal and to allow them to do so would undermine the rights of parents.

Yours sincerely

[redacted]

MEETING WITH CHURCH OF SCOTLAND

Date and Time of Engagement	22 February 2017 13.30-14.30
Where	T4.23 Parliament
Key Message	Scottish Government is committed to working with partners to support the delivery of education and lifelong learning
What	Private Meeting
Who	[redacted]
Why	Church of Scotland seeks a meeting to discuss Education matters approximately once a year.
Supporting official	[redacted]
Briefing contents	Annex A: Biographies and Agenda Annex B: Religious representatives on Local Authorities Annex C: RME & RO Annex D: Achievement within schools incl Governance Annex E: Pastoral care within schools
Media Handling	NA
Dress code	NA
Greeting Party and specific meeting point on arrival (if event is at a non SE Building)	NA
Specific entrance for Ministerial car/parking arrangements	NA

Biographies and Items for [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Agenda

Church of Scotland attendees wish to discuss the following matters:

1. Religious representatives on Local Authority Education Committees
2. Religious Observance (RO) and Religious & Moral Education (RME)
3. Achievement within schools including Governance
4. Pastoral care within schools

Religious representatives on Local Authority Education Committees

- Section 124 of the Local Government (Scotland) Act 1973, as amended by Section 31 of the Local Government etc. (Scotland) Act 1994, requires each local authority to appoint three non-councillor religious representatives to sit on its education committees.

Petition PE1623 from Spencer Fildes on behalf of the Scottish Secular Society

- On the 24 November 2016, the Scottish Secular Society called 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.
- The Scottish Government responded to the Committee on 8 December 2016 indicating when the 1980 Act was passed, the involvement of religious representatives in the decision making process at local authority level was viewed as providing support to the authority in discharging its duties in respect of meeting the educational needs of all children in their area and supporting the desire by parents for both denominational and non-denominational schools.
- That the Education Governance Review had been launched, seeking views on the national framework, including the legislative framework, that the government should put in place to support Scottish Education. It is the intention to take a whole system approach by considering the national framework required to both support and empower schools and teachers to deliver the best outcomes for our children and young people.
- The Scottish Government also responded to indicate it has no plans to change these provisions.
- The Petition was again considered at the Committees meeting on 2 February 2017. A further request from the Committee has now been received asking the Scottish Government:
 - *to provide an indicative timescale for publication of its findings from the Education Governance Review.*
 - *whether an assessment of the position of unelected church appointees had been undertaken in respect of the Public Sector Equality Duty.*
- The latter has been asked as a result of the evidence submitted by EHRC Scotland.
- Officials are currently preparing a response for Deputy First Minister's approval.

Denominational Schools

- The Education (Scotland) Act 1980 sets out that the responsibility for the delivery of education rests with local authorities. And includes:-
 - provision for the establishment of denominational schools if this is desired by either the local authority or by representation from others.
 - certain requirements in respect of changes to the provision of denominational schools and
 - the church has a role in the appointment of teachers in denominational schools.
 - a provision with regard to religious education in the curriculum and religious observance.

RO (Religious Observance) and RME (Religious and Moral Education)

Humanists' Judicial Review and SG consultation

- The Humanist Society Scotland is currently Judicially Reviewing Scottish Ministers in relation to RO. The only point remaining is the challenge relating to the failure of Ministers to amend the guidance on RO in schools
- SG is consulting on draft modest changes to RO guidance to reflect the importance of children and young people's own views about their own education.
- The JR is currently sisted (for the second time) until 31 March pending the outcome of the consultation.

Consultation

- We are consulting a small number of key stakeholders, including the Humanist Society Scotland, on a potential revision to the Scottish Government guidance on RO. This would include in particular how to give greater emphasis to the rights of children and young people and their role in the decision making process about withdrawal from RO.
- We cannot at this stage commit to the wording or exact coverage of any revision to the guidance, as this will be subject to the consultation process mentioned.
- **Church of Scotland have not yet submitted a response to this consultation.**

Legal and Policy position

- Parents are legally entitled to withdraw their children from Religious Observance in local authority and grant-aided schools.
- While there is currently no legal right for pupils to remove themselves from Religious Observance, the flexible approach to learning and teaching afforded by Curriculum for Excellence in Scotland encourages schools to discuss options with both parents and their children, including in relation to a decision to withdraw from Religious Observance.
- Guidance is provided to schools that Religious Observance should be sensitive to individual beliefs, whether these come from a faith or non-faith perspective.
- The Scottish Government considers that the existing legislative framework, the Curriculum for Excellence and Scottish Government guidance about Religious and Moral Education and Religious Observance ensure compliance with the ECHR.
- [redacted]

Rest of the UK

- The position in Scotland contrasts with that in England and Wales. For the last ten years "sixth form" pupils in England and Wales (approx S5 and S6) were permitted to withdraw themselves as a result of an amendment to section 71 of the School Standards and Framework Act 1998. Unlike Scotland however, England and Wales have a statutory national curriculum, determined by Government.

RME

- We are not aware of any particular concerns about RME at present. The role of RME is generally well respected and understood within Curriculum for Excellence.

Annex D

Achievement within schools including Governance

Governance Review

- The Education Governance Review was launched by the Deputy First Minister on 13 September and ended on 6 January. Over 1,100 parents, teachers, members of the public and organisations have submitted formal responses to the Governance Review while over 700 people have attended the public engagement sessions. We are currently analysing the consultation responses in-house.
- We believe decisions about children's learning and school life should be decided at school level – that is why we launched the Governance Review. This view is backed by the OECD, which in its review of Scottish education in 2015 said we needed to 'change the centre of gravity in Scottish education towards schools, communities and education networks.'
- We want to empower teachers, parents, children and communities to drive improvement in education and we will oversee the biggest devolution of powers to our schools including through the encouragement of school clusters and the creation of new education regions.
- We know that when parents are fully involved in their child's learning and in the life and work of their school we see better outcomes for children, parents and schools. That is why we are committed to giving a stronger voice to parents and communities in our schools.

Church of Scotland response (excerpt)

The Church of Scotland shares the Scottish Government's aspiration for achieving excellence and equity for all. However, we would question whether governance arrangements are the primary barrier to this. Within Scotland the existence of a number of social disparities represents, in our view, a far more significant impediment to the pursuit of excellence and equity than the current governance structures.

We would urge the Scottish Government to be mindful of its need to redress the economic and social inequalities that have become embedded within Scottish society. Any attempt to reshape governance arrangements without addressing these underlying inequalities will inevitably fall short of a vision of excellence and equity for all.

That said, schools undoubtedly play a pivotal role within their communities often acting as the primary point of contact between families and other front line services. Ensuring that there is a level of coordination between services delivered by schools and the other front line services that are involved in tackling inequality is, in our view, important. As part of this the impact and influence of community groups in supporting young people to remain within formal education and in offering additional informal education cannot be understated. Many of our congregations and associated projects are involved in this work with transformative results.

In all of this, parental or family engagement remains a significant factor in pupil attainment and achievement. Structures and services must ensure that this significance is reflected by engaging parents and family members where practically possible.

(Full text of Church of Scotland response to Governance Review attached as separate PDF.)

Annex E

Pastoral care within schools

Lines to take

- Relationships, sexual health and parenthood (RSHP) education is an integral part of the health and wellbeing area of the school curriculum in Scotland. The curriculum is not statutory and it is for local authorities and schools to decide how to deliver the curriculum based on local needs and circumstances.
- However, we are specific about the need for children and young people to gain knowledge appropriate to their age and stage of education. This aspect of the curriculum is intended to enable children and young people to build positive relationships as they grow older and should present facts in an objective, balanced and sensitive manner within a framework of sound values.
- There is a commitment to take forward the issues the Time for Inclusive Education (TIE) campaign has raised and we will do that in consultation with all stakeholders.
- The Scottish Government agreed to a request from Parliament's Equalities and Human Rights Committee for further engagement on the development of refreshed anti-bullying guidance with a range of stakeholders, which will be clear that all types of bullying, including prejudice-based bullying, is unacceptable and must be addressed whenever it arises.

RSHP in schools

- Learning about relationships, sexual health and parenthood (RSHP) education begins early on in primary school right up to S4-S6. Schools will equip young people with information on a wide range of issues, depending on their age and stage. They will be encouraged to discuss these subjects with their peers and parents, to help them gain knowledge, and the skills to become confident in making healthy lifestyle decisions for themselves.
- It is for schools to decide how they deliver RSHP education, based on the needs of the children or young people in their classroom. We ask teachers to work closely with parents in the delivery of sexual health and relationships education, by discussing proposed lessons and resources with them in advance.
- Many secondary schools will refer to the SHARE (Sexual Health and Relationships Education/Safe, Happy and Responsible) programme for young people in years S2-S4. It was developed by NHS Health Scotland after many years of consultation with teachers, students, parents and health professionals and examining research in this area. SHARE encourages frank discussions involving role plays on varied scenarios, some quite complex. SHARE was reviewed to ensure that it complements Curriculum for Excellence and the most up-to-date advice and evidence. In keeping with previous revisions, this refresh of SHARE has been a collaborative partnership drawing on the research and practical knowledge of academics and practitioners from education, health and the third sector across Scotland.
- The programme has been updated to reflect the Experiences and Outcomes of the RSHP organiser, makes links with other risk-taking behaviours (such as alcohol and drugs) and equality and other legislative changes. It is supported by a range of additional materials, such as video and audio clips, learning objectives and project sheets, to supplement and enrich the preparation and delivery of the sessions. In addition, the appendices give guidance and additional information that will help educators plan and delivery the programme and individual sessions.
- If parents or carers feel that the content is not appropriate they can withdraw a primary school aged child from all or part of a planned programme of lessons and

arrangements should be made for the child to have alternative positive educational provision.

LGBTI+

- We continue to engage with all stakeholders, including Stonewall Scotland, LGBT Youth Scotland and the TIE Campaign, to ensure schools address the important issues LGBTI+ young people face. Local authorities and schools are best placed to decide how to deliver the curriculum based on local needs and circumstances.

Bullying

- A working group was established to refresh the anti-bullying guidance. This provides an holistic approach to anti-bullying which makes clear all types of bullying are unacceptable, including prejudice based bullying. This will be published this year. DFM will carefully consider the issues raised by the Equalities and Human Rights Committee as well as anything further that can be done to support individual equalities groups over and above our holistic approach to anti-bullying.
- We have also published *Dealing with Homophobia and Homophobic Bullying in Scottish Schools* to support teachers in recognising, challenging, and reducing homophobia and homophobic bullying in their schools. This will be updated in 2017.

PSE in Parliament – Education and Skills Committee

- The Scottish Parliament's Education and Skills Committee will conduct a roundtable discussion on personal and social education (PSE) on 22 February 2017. The main issues relate to the content and delivery of PSE. This wide-ranging session will help the Committee decide what further work it may do on this topic. DFM will meet with the Committee on 8 March 2017.

From: [Redacted]

Sent: 31 January 2017 17:19

To: Deputy First Minister and Cabinet Secretary for Education and Skills

Cc: [Redacted]

Subject: Immediate: Decision on continuation of sist and briefing for meeting with the HSS

Importance: High

[Redacted]
date

With sincere apologies for the delay in getting this to you, I have had system problems. However, please now see below a note seeking a decision on the on- going judicial review, and the briefing pack for the meeting tomorrow. Please note that the request for a decision on the sist is marked **immediate**.

I may need to give you a call tomorrow regarding official support at the meeting due to

staff absences.

Kind regards,

[Re
dent

Deputy First Minister and Cabinet Secretary for Education and Skills

Purpose: To seek your agreement for our response to a motion for the continuation of the current sist on the judicial review about guidance on Religious Observance in schools brought by the Humanist Society Scotland (HSS), and provide you with briefing for your meeting with Gordon MacRae, Chief Executive of the HSS tomorrow afternoon, Wednesday 1 February at 3.30pm.

Timing: Immediate. The current sist expires on Friday 3 February and we have now had an indication from HSS that they wish a motion to be enrolled for it to be continued – they are keen to enrol a motion with the Court tomorrow in order for the court to consider it before the current sist expires. A decision as soon as possible, and in advance of your meeting with HSS tomorrow afternoon, would therefore be appreciated.

Consideration: We understand that the HSS want to continue the sist because, while they appreciate that progress has been made in issuing the consultation on guidance, that consultation does not close until 24 February and has not yet come to a conclusion. They therefore would not want to abandon at this stage, and we have not yet heard back from them on the proposed revisions. We understand that they will be suggesting an extension to the sist until 31 March (8 weeks). The HSS has confirmed that if we are agreeable to continuing the sist they are content to enrol the motion and incur the cost in doing so.

We recommend that we agree the motion to continue the sist, in particular as this timescale provides sufficient time to conclude the consultation exercise and that we would expect, within that time, that the HSS will decide there is no longer any point in pursuing the judicial review.

Recommendation: That you agree to a continuation of the current sist to 31 March to enable the current consultation process on revised guidance on Religious Observance for schools to conclude.

Please find attached briefing for your meeting with Gordon MacRae.

<< File: Deputy First Minister Briefing Note for meeting with HSS - 1 February 2017.doc >>

[Redacted]

Learning Directorate

Scottish Government

[Redacted]

[
Curriculum Unit
Learning Directorate
Directorate General Learning and Justice
The Scottish Government
Area 2B (South)
Victoria Quay
e
d
[Redacted]

24/02/2017

Thank you for bringing forward this consultation and for the positive engagement Scottish Government officials have provided HSS in recent months.

We remain hopeful that, assuming an expedited process at the conclusion of this consultation, HSS will be in a position to withdraw the sisted legal action entirely at the end of March 2017.

Humanist Society Scotland (HSS) believes that the continued refusal of Scottish Government Ministers to provide a statutory right for young people to exercise an independent choice regarding participation in Religious Observance (RO) is incompatible with the provisions of the Human Rights Act. We note that this has not yet been tested in the Scottish Courts.

HSS supports the call by the UN Committee on the Rights of the Child in their 2016 Concluding Observations for Scottish Minister to:

“repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school.”

In this light, the proposed revisions to the guidance on RO in schools fall short of a statutory right for young people to opt out of RO.

Proposed revision of Guidance on the provision of RO in Schools

In so far as these revisions provide competent young people a voice in the process and improves communication between school, pupils and parents, then it is to be welcomed.

Humanist Society Scotland support all three of the proposed revisions of the guidance. In our view these revisions provide competent young people a voice in the process but not a say. The revisions should also improve communication between school, pupils and parents.

These revisions, in our view, bring the guidance into line with the stated policy approach expressed in writing to HSS on (Appendix 1).

In advance of responding to this consultation we sought advice from Together, the Scottish Alliance for Children's Rights, of whom HSS is a member. Their advice is attached for information (Appendix 2).

We trust there will be no impediment to the early publication and dissemination the revised guidance.

Yours Sincerely



Gordon MacRae
Chief Executive

[redacted]
Curriculum Unit
Learning Directorate
Director-General Learning and
Justice
The Scottish Government
Area 2B (South)
Victoria Quay
Edinburgh

[redacted]

24 February 2017

Dear [redacted]

Informal consultation on revisions to the Scottish Government's guidance on Religious Observance

Background

The Commission is grateful to have an opportunity to contribute to the Scottish Government consultation on revisions to the Government's guidance on Religious Observance (RO).

As you will know the Equality and Human Rights Commission is the National Equality Body (NEB) for Scotland, England and Wales. We work to eliminate discrimination and promote equality across the nine protected characteristics set out in the Equality Act 2010: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Tel: 

2nd Floor, 151 West George Street, Glasgow G2 2JJ

www.equalityhumanrights.com  @ehrc  

We are an “A Status” National Human Rights Institution (NHRI) and share our mandate to promote and protect human rights in Scotland with the Scottish Human Rights Commission (SHRC). As such, we have a specific duty to monitor and report on the State’s compliance with international human rights treaties and to encourage governments to make the necessary legal and policy changes to implement the concluding observations of UN treaty bodies.

The Commission welcomes the fact that the Government’s guidance relating to RO is being updated. We recognise that parents and carers have a right to provide direction to their child in relation to issues of conscience and religion, though that right must be exercised in a way consistent with the evolving capacities of the child. The Scottish Government will therefore want to ensure respect for the rights of both parents and children and young people when providing guidance in this area.

The rights of the child: Article 12 of the UN Convention on the Rights of the Child

Article 12 of the UNCRC requires that:

“States parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.”

Article 14 of the UNCRC requires that:

- “1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.”

In 2016 the UN Committee of the Convention of the Rights of the Child made a concluding observation to the UK to “ensure that children can independently exercise the right to withdraw from religious worship at school.” The

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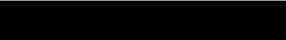
Commission welcomes that updating the guidance relating to RO goes some way towards implementing this recommendation.

The Commission welcomes the intention behind the suggested amendment to the guidance, which recognises that taking account of children and young people's views in relation to withdrawal from RO "is especially relevant as young people become older and take more responsibility for their own learning." However, the Commission considers that, in order to satisfy Article 12 UNCRC, the guidance should clarify that the views of children and young people who have sufficient maturity and understanding must be respected and not just taken into account.

The rights of parents and carers

Courts have been clear that the rights of parents do not "trump" the rights of children and young people. For example, in the case of *R v Secretary of State for Education and Employment ex p Williamson 2006 UKHL 15* the House of Lords considered the balance to be afforded to each, when the rights of parents may conflict with the rights of the child. The case involved a challenge to the extension of legislation banning corporal punishment in schools. The argument was made that removing a parent's ability to delegate their right to discipline their child was a breach of Article 9 ECHR, (the right to freedom of thought, conscience and religion) as well as a breach of Article 2 of the First Protocol, (the right to have access to education that was in conformity with their religious belief). The court held that the legislation did interfere with the parents Article 9 rights, but that this was justified as necessary in a democratic society for the protection of the rights and freedoms of others i.e. of rights of the children involved.

While requiring a child or young person to take part in RO against their conscience is arguably a qualitatively different interference in the child's rights and freedoms from imposing corporal punishment, the Commission considers that the Government's guidance does need to go further in promoting the right of children and young people to have their own views respected in relation to attending or withdrawing from RO, rather than the views of their parents or carers.

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Good practice example

The Government's guidance on withdrawing children from Relationships, Sexual Health and Parenthood classes [RSHP] states that:

“In secondary education, young people will often be capable of deciding themselves, with support where necessary from parents, carers and teachers, to participate in sexual health education programmes. The capacity of a particular young person to take decisions of this nature will depend on their maturity, understanding and experience. In all cases, schools must respect the decision of that young person.”

We would suggest that the guidance in relation to withdrawing from RO should take a similar approach, so that the rights of children and young people with sufficient maturity and understanding is fully respected, rather than simply being taken into account.

I hope this is of some assistance. Please do contact me if we can provide any further information or assistance.

Yours sincerely

[redacted]

Tel: 

2nd Floor, 151 West George Street, Glasgow G2 2JJ

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ENGAGEMENT TITLE: Meeting with Graeme Donald, Committee Convener of the Church of Scotland Education

<i>Date and Time of Engagement</i>	Tuesday 27 February 2018 15:30 – 16:15
<i>Where</i>	T4:23 Scottish Parliament
<i>Who</i>	Graeme Donald, Convener of the Church of Scotland Education Committee Mr Derek Hanan, Church of Scotland Education Committee Andrew Tomlinson, Associate Secretary.
<i>Key Purpose / Message</i>	You have been invited to meet with Mr Donald to discuss a number of issues outlined in Annex A.
<i>Media Handling</i>	N/A
<i>Official Support</i>	[Redacted]
<i>Greeting Party and specific meeting point on arrival</i>	N/A
<i>Specific entrance for Ministerial car/parking arrangements</i>	N/A
<i>Briefing contents</i>	Annex A: agenda and lines to take Annex B: Biog Annex C: Religious Observance - briefing Annex D: Mental health – top lines, background and Q&A Annex E: Education Workforce Council

Proposed agenda:

1. Education Scotland Bill particularly section 5

- How the Regional Improvements Collaboratives (RICs) may affect the Church Reps appointed to serve on Education Committees on Local Authorities

Line on RICs - the RICs should have **no impact** on the membership of Local Authority Education Committees. Local Authorities will continue to be responsible for their own Education Committees. The creation of the RICs does not displace the existing accountability mechanisms within individual authorities, but works alongside them.

2. National Initiative on Religious Observance and School Chaplaincy. Building capacity of our children and young people through School Chaplaincy Partnerships. Initiated through partnership between the Church of Scotland and Christian Values in Education.

Christian Values in Education (CVE Scotland) is a Scottish charity/organisation that provides advice, networking and resources for teachers and for others who support schools (schools workers, parents, chaplains and churches). Recognised as a partner organisation by Education Scotland, our aim is to enable children and youth people to make informed choices about their beliefs and values.

Lines to take:

- We have just received your proposal and I have asked my officials to look over and consider.

If pressed:

- The Scottish Government does not have a policy on school chaplains and guidance says that it need not be the chaplain who delivers Religious Observance, in fact schools are encouraged to seek input from the local community, parents and pupils on how best to deliver inclusive opportunities.

3. How the Church can support staff and pupils particularly where there might be stressful situations and how the Church might support or contribute to that work.

Lines to take:

- Interested to hear about your support.
- A number of authorities provide access to school based counselling in their schools. In other areas, schools utilise the skills of their pastoral care staff and liaise with the Local Authority Educational Psychological Service and health services for specialist support when required.
- Every school has a named contact in specialist Children and Adolescent Mental Health Service (CAMHS) services who can be contacted for advice if they have any concerns about a pupil and can provide ongoing support.

4. The role of the School Chaplain and perhaps the local church - and how that role might be promoted in schools.

Line to take:

It is for schools and local authorities to decide who to invite into their schools, including who will deliver Religious Observance, based on their local community needs and circumstances.

[Redacted]

[Redacted]

Religious Observance – briefing

ISSUE:

- Humanist Society Scotland Judicially Reviewing Scottish Ministers. The permission hearing has taken place and the Court allowed the Judicial Review petition to proceed with a much narrower scope. The only point remaining was the challenge relating to the failure of Ministers to amend the guidance on religious observance in schools.
- Officials met HSS on Wednesday 26 October 2017 and discussed the remainder of the petition and other concerns they had. On 3 Nov 2017 the Court approved a joint motion to sist the JR proceedings for 3 months to allow progress to be made.

- [Redacted]
[Redacted]

- The Scottish Government issued revised guidance for Religious Observance advising that schools discuss options with both parents and their children, including the right to withdraw.

Top Lines

- Following the Court approval to sist, we have agreed to undertake to consult a small number of key stakeholders, including the Humanist Society Scotland, on a potential revision to the Scottish Government guidance on Religious Observance. This would include in particular how to give greater emphasis to the rights of children and young people and their role in the decision making process about withdrawal from Religious Observance.
- We could not at this stage commit to the wording or exact coverage of any revision to the guidance, as this would be subject to the consultation process mentioned.
- The 3 month period the Court has agreed to sist for will be used to carry out the consultation process. We intend to begin the process before the end of the year.
- Parents are legally entitled to withdraw their children from Religious Observance in local authority and grant-aided schools.
- While there is currently no legal right for pupils to remove themselves from Religious Observance, the flexible approach to learning and teaching afforded by Curriculum for Excellence in Scotland encourages schools to discuss options with both parents and their children, including in relation to a decision to withdraw from Religious Observance.
- Guidance is provided to schools that Religious Observance should be sensitive to individual beliefs, whether these come from a faith or non-faith perspective.

- [Redacted]

[Redacted]

[Redacted]

Rest of the UK

- The position in Scotland does contrast with that in England and Wales. For the last ten years “sixth form” pupils in England and Wales (approx S5 and S6) were permitted to withdraw themselves as a result of an amendment to section 71 of the School Standards and Framework Act 1998. Unlike Scotland however, England and Wales have a statutory national curriculum, determined by Government.

Mental health - Top lines

- We have made absolutely clear the commitment of this government to promoting children's health and wellbeing.
- Since 2014, Education Scotland has been rolling Scotland's Mental Health First Aid Training for Children and Young People to local authorities.
- This training will complement the range of mental health strategies that are already in place within the local authorities.
- The importance of mental health is recognised in raising attainment and closing the gap, and is a focus of many of the Authorities and Schools involved with the Scottish Attainment Challenge.
- All adults who work in schools have a responsibility to ensure the mental, emotional, social and physical wellbeing of the children and young people in their care.
- The *Responsibility for All* is in place to ensure each practitioner fulfils their role in promoting open, positive and supportive relationships across the school community.
- Local authorities and schools will be using a range of other approaches and resources to support children and young people with their mental and emotional wellbeing in line with local needs and circumstances.
- While the Curriculum for Excellence framework is set at a national level, it is up to local authorities and schools to determine how they will deliver the curriculum to best suit the children and young people in their area.
- Every school has a named contact in specialist Children and Adolescent Mental Health Service (CAMHS) who can be contacted for advice if they have any concerns about a pupil and can provide ongoing support.
- Pastoral support teachers/guidance teachers support children and young people and are well placed to notice changes that might indicate underlying mental health issues.

Background

- A number of authorities provide access to school based counselling in their schools. In other areas, schools utilise the skills of their pastoral care staff and liaise with the Local Authority Educational Psychological Service and health services for specialist support when required.
- Every school has a named contact in specialist Children and Adolescent Mental Health Service (CAMHS) services who can be contacted for advice if they have any concerns about a pupil and can provide ongoing support.

PSE review - Top lines

- The Scottish Government is committed to a national review of personal and social education (PSE), the role of guidance in schools and school counselling services for children and young people.
- The Scottish Parliament's Education and Skills Committee produced a report, on how personal and social education (PSE) is taught in Scotland. It also recommended a review of PSE.
- The Committee examined what should be included as part of the subject. We welcomed the Committee's report and responded to the recommendations in July 2017.
- The PSE review commenced in Oct 2017. It is expected that the overall review will be completed by the end of 2018.
- There is no specific guidance for local authorities for teaching of PSE, guidance is however made available on individual areas and is updated regularly.

Q and A

Q. How can schools identify and support children with mental health problems?

A. We take the mental health of our young people very seriously. Education authorities and all those working in our schools have a responsibility to identify, support and develop the mental wellbeing of pupils, with decisions on how to provide that support taken on the basis of local circumstances and needs.

Every child and young person should have access to emotional and mental wellbeing support in school. Some will provide access to school based counselling, whilst others will be supported by pastoral care staff and liaise with the Educational Psychological Services, family and health services for specialist support when required. A mental health link person is available to every school and this has been achieved in a variety of ways using various models working to meet local needs.

As part of the Government's Mental Health Strategy, we are undertaking a national review of how Personal and Social Education is being delivered in schools. The review includes an assessment of how the teaching of mental wellbeing is delivered. The review will be completed by the end of 2018.

Q: How is the Scottish Attainment Challenge supporting schools and local authorities to improve health and well-being outcomes for young people?

A: The importance of health and wellbeing, including mental health, is recognised within the Scottish Attainment Challenge and is a focus of several of the Authorities' and Schools' improvement plans.

To date Scottish Attainment Challenge funding has enabled schools and local authorities to employ a range of staff. This includes Educational Psychologists, Home School Link Workers, Mental Health Counsellors and Speech and Language Therapists.

Q. Are children and young people taught about mental health in schools?

A. Learning in health and wellbeing ensures that children and young people develop the knowledge and understanding, skills, capabilities and attributes which they need for mental, emotional, social and physical wellbeing now and in the future. The mental, social, emotional and physical wellbeing of everyone in a learning community should be positively developed by fostering a safe, caring, purposeful environment that enables the development of relationships based on mutual respect and trust. This is essential for successful learning.

Under the experience and outcome (HWB 06a), teachers must ensure that children and young people understand the importance of mental wellbeing and that this can be fostered and strengthened through personal coping skills and positive relationships. Children and young people should have an understanding that it may not always be possible to enjoy good mental health and that if this happens there is support available.

Q. Once a child has been identified as requiring support for mental health, how with that child be supported?

A. The Additional Support for Learning Act places duties on education authorities to identify, provide for and review the additional support needs of their pupils which would include mental health issues. It is important that the schools have the capacity to support pupils and flexibility to utilise an approach that meets local needs and circumstances. A number of authorities provide access to school based counselling in their schools. In other areas, schools utilise the skills of their pastoral care staff and liaise with the Local Educational Psychological Service for specialist support.

Educational psychologists play an important role in helping children and young people learn and develop and to build the capacity of staff to meet the learning and mental health needs of all pupils.

Q. How do school nurses and teachers identify children and young people with mental health difficulties?

A. All teachers are aware, through initial and continuing teacher education of the need to be aware of signs that children and young people require additional support and, under Curriculum for Excellence have a responsibility for their Health and wellbeing. This will include involving relevant professionals where appropriate. The School Nurse role will be refocused to increase the capacity and competency of school nurses to maximise their contribution as part of multiagency/multidisciplinary teams to supporting school age children's health and wellbeing, including those with mental health difficulties. Work has also been undertaken to refocus school nursing education pathways, preparation, clinical placements and continuing professional development activity to ensure provision responds to future service and population requirements.

Q. What support do Local Authorities receive to train staff in schools to support young people with mental health problems?

A. Local authorities and schools will be using a range of approaches and resources to support children and young people with their mental and emotional wellbeing in line with local needs and circumstances.

Since 2014, the Scottish Government has provided £6k per annum to Education Scotland to roll out Scotland's Mental Health First Aid Training for Children and Young People to local authorities. The aim of this is to train staff within secondary school communities in order to increase their confidence in approaching pupils who they think might be struggling with a mental health problem. This training will complement the range of mental health strategies that are already in place within the local authorities.

From: [Redacted]
To: [Deputy First Minister and Cabinet Secretary for Education and Skills](#)
Cc: [Redacted]
Subject: religious observance - Humanist Society - Petition for Expenses - notification of non payment by SG of expenses to DFM - april 2017
Date: 20 April 2017 17:45:00
Attachments: [religious observance - URGENT HUMANIST SOCIETY SCOTLAND - PETITION FOR JUDICIAL REVIEW - EXPENSES - april 2017.msg](#)
Importance: High

Dear [Redacted]

Further to [Redacted] email of 5 April seeking a view from DFM on any claim for expenses brought by the Humanist Society Scotland (HSS).

Copy attached for ease of reference:

We have had notification from our Litigation Division that the HSS has agreed to withdraw their petition on the basis of each side bearing its own expenses and the application to the court to formally achieve this will be lodged early next week.

Mr Swinney will wish to note that the HSS have publicly said that they are now working with a number of young people to seek the earliest possible opportunity to support representations based on the human rights argument and raise a similar Judicial Review.

Officials in Learning Directorate will seek to meet HSS very soon to continue to engage on Religious Observance.

Best

[Redacted]

[Redacted]

From: [Redacted]
To: [Deputy First Minister and Cabinet Secretary for Education and Skills](#)
Cc: [Redacted]
Subject: religious observance - URGENT: HUMANIST SOCIETY SCOTLAND - PETITION FOR JUDICIAL REVIEW - EXPENSES - april 2017
Date: 05 April 2017 15:15:35

[Redacted]

Humanist Society Scotland – Judicial Review expenses

1. We wish to seek a view from DFM as soon as is convenient please about how to respond to any claim for expenses brought by the Humanist Society of Scotland.

Revision of guidance – now achieved

2. DFM met with officials from Learning Directorate and lawyers on 26 October to discuss the Judicial Review being brought by the HSS.

3. Officials explained that of the four points of the Judicial Review, only one remained outstanding – the HSS's wish that the Scottish Government amend its guidance on Religious Observance in schools so as to reflect the language of a letter date 13 June 2016 which states that in any discussions about withdrawing from RO, “schools will find it helpful and sensible to include young people in any discussions about opting out, ensuring their wishes are aired”.

4. At that meeting, DFM agreed that officials should develop a revised version of the SG guidance which addressed this specific point. This was then the subject of a modest consultation process with approx. 15 organisations known to be interested in this area including the HSS and also ADES, EIS, CYPCS and others. This revision was a clarification and not a policy shift.

5. We have now published the revised guidance.

Expenses

6. [Redacted]

[Redacted]

Thanks,

[Redacted]

[Redacted]

[Redacted] | Curriculum Unit | Learning Directorate | Scottish Government |
Area 2-B South, Victoria Quay, Edinburgh, EH6 6QQ | [Redacted]

[Redacted]

SCHOOLS – RELIGIOUS OBSERVANCE POLICY

ISSUE:

- Humanist Society Scotland (HSS) Judicial Review of Scottish Ministers has led to the revision of Scottish Government guidance on Religious Observance in Schools.
- This revision did not involve a review of the legislative provisions underpinning the provision of Religious Observance in schools, and does not mark a shift in Scottish Government policy.

Legislative background and policy

- Parents are legally entitled to withdraw their children from Religious Observance in local authority and grant-aided schools.
- While there is currently no legal right for pupils to remove themselves from Religious Observance, the flexible approach to learning and teaching afforded by Curriculum for Excellence in Scotland encourages schools to discuss options with both parents and their children, including in relation to a decision to withdraw from Religious Observance.
- **In consultation, several organisations including EIS and ADES welcomed the revision but would wish SG to consider a full review of the policy and legislation on RO.**
- Any amendments to the 1980 Act would require thorough and careful consideration and consultation.
- [redacted]

Humanist Society Scotland Judicial Review

- On 14 September 2016 the Humanist Society Scotland (HSS) served a petition for Judicial Review on Scottish Ministers to challenge certain aspects of the Scottish Government's position on RO. The petition was narrowed in scope by the Court, with the remaining point relating to a request that the Scottish Government's guidance on RO make clear mention of children's rights in any decisions about withdrawing from RO.
- HSS will now withdraw this Judicial Review, recognising the worthwhile revision made to the guidance.
- [redacted]

Top Lines

- Revised guidance on Religious Observance in Scottish Schools is being published today.
- The revisions to the guidance serve clear two purposes:
 - To ensure that readers are clear that **young people should be involved** in decisions about Religious Observance in their education; and
 - to bring references and language up-to-date and provide additional clarity where it is thought this is needed.
- **This is not a shift in policy but is about clarity and supporting good practice in schools.**
- To be read alongside Curriculum for Excellence guidance published by Education Scotland, this guidance is clear in setting out how Religious Observance in schools should be conducted, including being fully sensitive to individual beliefs, whether from a faith or non-faith perspective.

Consultation on the revision

- We consulted key stakeholders, including the Humanist Society Scotland, and there was a clear consensus about the appropriateness of the revision we proposed and are now publishing.
- Strong agreement that it is helpful to be clear about the rights of children and young people and their role in the decision making process about withdrawal from Religious Observance.

Human Rights

- Scottish Government considers that the existing legislative framework, Curriculum for Excellence and Scottish Government guidance about Religious and Moral Education and Religious Observance ensure compliance with the ECHR.
- [redacted]

SCHOOLS – RELIGIOUS OBSERVANCE POLICY

Rest of the UK

- Position in Scotland contrasts with that in England and Wales. “Sixth form” pupils in England and Wales (approx S5 and S6) are permitted to withdraw themselves as a result of an amendment to section 71 of the School Standards and Framework Act 1998. Unlike Scotland however, England and Wales have a statutory national curriculum, determined by Government.

From: [redacted]
Sent: 18 April 2017 18:14:13
To: scottish.ministers@gov.scot
Subject: PROVISION OF RELIGIOUS OBSERVANCE IN SCOTTISH SCHOOLS

To whom it may concern, john swinney preferably, my name is [redacted] in a [redacted] and every month or two and all around the big christian holidays we are all crammed into the hall where some guy in the checked shirt and jeans instead of a dog collar to make it look cool stand up on stage and tell us about the story or Christ from is "virgin birth" to the miracle rise from the tomb after forgiving the sins of man, its a truly touching story, despite its falsehood as far as im concerned but i attend a non-denominational school where i shouldn't have to listen to this taught as fact to a school of children many of whom dont care and simply dont believe in a god who in order to forgive man had to kill his son. Ever time i go to the school about this issue i get "ooh there is some law about it we have to make sure services happen" i looked it up and the provision of religious observance in Scottish schools in the bill they are referring to, passed in 2005, its simply an outdated and honestly ridiculous law based on evidence from previous census data and used to promote christian propaganda in schools where it doesn't belong its a disgrace and i understand that the government have a lot on their plate currently especially with big Theresa springing that snap election on you even though she promised she wouldn't, classic Tory but any-who i just wanted to express by disgust at this law and desire to have to changed, repealed or superseded even to provide optional!!! services mandatory for all religions, despite my not overly high hopes for change to happen, whats the harm in giving it a go.

Sincerely,[redacted]

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From: [Redacted]
Sent: 27 October 2016 14:19:01
To: Ministerial Correspondence Unit
Subject: FW: Resist the Humanist Society of Scotland is Attempts to Undermine the Teaching Authority of Parents

Hi,

For MACCS, OR please.

Thanks,

[Redacted]

From: CitizenGO [mailto:petitions@citizengo.org] On Behalf Of [Redacted]
Sent: 26 October 2016 12:02
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Subject: Resist the Humanist Society of Scotland is Attempts to Undermine the Teaching Authority of Parents

For the Attention of Mr John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education

Dear Mr John Swinney,

As I'm sure you are aware, the Humanist Society of Scotland (HSS) has recently launched a legal challenge to the Scottish Government's decision not to allow pupils to opt themselves out of religious observance at school.

The action of the HSS has been prompted in part by the UN Children's Rights Committee review earlier this year which recommended that 'the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school.'

Recognising parents as the primary educators of their own children, and recognising that the state exists to assist parents in this task, I wish to let you know my support for the current position of the Scottish Government regarding religious observance at school.

Parents are entitled to raise their children within their own tradition, religious or otherwise, and should be able to send their children to a school which reflects that tradition.

As parents are currently allowed to withdraw their children from religious observance at school but children themselves are not permitted to make this choice, the state is currently respecting and recognising the rights of parents as the primary educators of their own children.

No change is needed as parental rights are currently respected and once a child reaches maturity, he or she is able to participate in religious observance to whatever degree he or she pleases.

I urge you therefore to do all that you can to ensure that the parental right to raise one's child within one's own tradition is maintained, and that the Scottish Government does not undermine this right by permitting children to dissent from their parental wishes.

Sincerely,
[Redacted]

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T: 0131-244 [redacted] F: 0131-244
[redacted]E:[redacted]

[redacted]

By email - [redacted]

Your ref:
Our ref: 2016/[redacted]
29 November 2016

Dear [redacted]

[redacted]

The Scottish Government agrees that parents and carers are the most important influence throughout a child's education, and that parental involvement in learning makes a real difference to a child's achievements. Everyone benefits (children, parents and teachers) when parents and schools work effectively together to support learning.

As you note, the current position in Scotland as set out in section 9 of the Education (Scotland) Act 1980, gives parents a right to withdraw their child from religious observance in local authority schools and grant-aided schools. There is no equivalent statutory right to withdraw afforded to children and young people, however it would be considered good practice in schools to include young people in discussions with parents about any decision on non-participation.

[redacted]

Yours sincerely

[redacted]

[redacted]



From: [redacted]
Sent: 15 November 2016 16:25:04
To: Public Engagement Unit
Subject: FW: [redacted]
Undermine the Teaching Authority of Parents

Hi,

For MACCS, OR please.

Thanks,

[redacted]

[redacted]|Assistant Private Secretary (Correspondence) to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | T: 0131 244 [redacted] | E: DFMCSSE@gov.scot<mailto:DFMCSE@gov.scot>

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From:[redacted] Sent: 09 November 2016 22:13
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Subject: [redacted]

For the Attention of Mr John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education

Dear Mr John Swinney,

[redacted]

[redacted]prompted in part by the UN Children's Rights Committee review earlier this year which recommended that 'the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school.'

Recognising parents as the primary educators of their own children, and recognising that the state exists to assist parents in this task, I wish to let you know my support for the current position of the Scottish Government regarding religious observance at school.

Parents are entitled to raise their children within their own tradition, religious or otherwise, and should be able to send their children to a school which reflects that tradition.

As parents are currently allowed to withdraw their children from religious observance at school but children themselves are not permitted to make this choice, the state is currently respecting and recognising the rights of parents as the primary educators of their own children.

No change is needed as parental rights are currently respected and once a child reaches maturity, he or she is able to participate in religious observance to whatever degree he or she pleases.

I urge you therefore to do all that you can to ensure that the parental right to raise one's child within one's own tradition is maintained, and that the Scottish Government does not undermine this right by permitting children to dissent from their parental wishes.

Sincerely,
[redacted]

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[Redacted]

[Redacted]

By email - petitions@citizengo.org

Your ref:
Our ref: 2016/0038255
29 November 2016

Dear [Redacted]

Thank you for your email about the Humanist Society of Scotland's petition on Religious Observance.

The Scottish Government agrees that parents and carers are the most important influence throughout a child's education, and that parental involvement in learning makes a real difference to a child's achievements. Everyone benefits (children, parents and teachers) when parents and schools work effectively together to support learning.

As you note, the current position in Scotland as set out in section 9 of the Education (Scotland) Act 1980, gives parents a right to withdraw their child from religious observance in local authority schools and grant-aided schools. There is no equivalent statutory right to withdraw afforded to children and young people, however it would be considered good practice in schools to include young people in discussions with parents about any decision on non-participation.

We cannot comment on the judicial review brought by the Humanist Society Scotland as it is on-going litigation, however we are consulting with a small number of key stakeholders on a potential revision of guidance provided to schools on religious observance.

Yours sincerely

[Redacted]

From: [REDACTED]
Sent: 06 February 2017 16:19:12
To: scottish.ministers@gov.scot
Subject: Religious Observance – Scottish Government consultation on guidance

Attachments: RO Guidance Scotland 170206.pdf

For the attention of John Swinney MSP, Cabinet Secretary for Education and Skills

Dear Mr Swinney

Please find a letter attached concerning the Scottish Government's informal consultation on the future of RO guidance.

We look forward to your response.

With kind regards,

Stephen Evans
Campaigns Director
National Secular Society
5 Atholl Crescent
Edinburgh
EH3 8EJ

E: Stephen.evans@secularism.org.uk<<mailto:Stephen.evans@secularism.org.uk>>
W: <http://www.secularism.org.uk><<http://www.secularism.org.uk>> |
[facebook.com/NationalSecularSociety](https://www.facebook.com/NationalSecularSociety)<<https://www.facebook.com/NationalSecularSociety>> |
[@NatSecSoc](https://twitter.com/NatSecSoc)<<https://twitter.com/NatSecSoc>>

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6 February 2017



John Swinney MSP
Cabinet Secretary for Education and Skills
Scottish Parliament
Edinburgh
EH99 1SP

5 Atholl Crescent
Edinburgh
EH3 8EJ

EMAIL: enquiries@secularism.org.uk

WEB: www.secularism.org.uk

Dear Mr Swinney

Religious Observance – Scottish Government consultation on guidance

We last wrote to you on 1 July 2016 to draw your attention to the UN Committee for the Rights of the Child's comments regarding Religious Observance in Scotland, and to urge you to review the law in this area.

Despite not receiving a response to our letter we are nevertheless encouraged by the informal consultation launched by the Government on the future of RO guidance. Whilst we are not on the consultee list, we would like to make the following comments on the proposed revised guidance.

The review comes against a backdrop of growing consensus that schools' approach to worship has failed to respect children's rights to freedom of religion and belief, failed to keep up with significant changes in Scotland's religion and belief landscape and is in need of reform.

To reiterate, in its concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland, the United Nations Committee on the Rights of the Child called on UK governments to repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and to ensure that children can independently exercise the right to withdraw¹. The Committee did not limit this right to pupils of any particular age.

By continuing to mandate religious observance with no pupil- opt-out, Scotland is clearly failing to fulfil its human rights obligations under Convention on the Rights of the Child.

Building on the decisive human rights compliance arguments in principle for repealing legislation mandating religious observance in schools and solely parent withdrawal is the powerful evidence base demonstrating that commitment to religion in Scotland, both in terms of religious identity and attendance at religious services, is in decline. Non-religious and religiously unconcerned school pupils and their parents now form a significant and growing majority in Scotland.

A Scottish Social Attitudes survey in 2016 showed that 52% of the population of Scotland said they were not religious in 2016, compared with 40% in 1999². As trends in Census data reveal, this figure for the population of all ages is likely to be considerably higher for children of school age and their parents.

¹ <https://www.secularism.org.uk/uploads/crcgbr.pdf>

² <https://www.theguardian.com/world/2016/may/23/no-religion-outnumber-christians-england-wales-study>

As the National Centre for Social research has stated: “Each generation of Scots has been less likely to identify with a religion or to attend service than has its predecessor; even if their parents attended church, younger people, influenced by the wider trend towards a more secular society, have not necessarily picked up the habit.”³ That a majority of school pupils and their parents are not religiously observant and that this figure is rising quite rapidly further strengthens the imperative for change.

Efforts to clarify the current position of RO/TfR are an important first step in reform and it is right that the proposed guidance is intended to supersede Circular 1/2005 and the letter of 21 February 2011.

We are pleased that the proposed guidance (particularly in terms of terminology) draws on the progressive rhetoric of [CfE Briefing Paper 16](#) and the intentions for better communications in the 2012 regulations on school handbooks.

A lack of clarity over the nature/intent and provision of RO/TfR in schools is of significant concern to the NSS and parents. As is the concern that despite the intentions of Briefing Paper 16 regarding inclusivity and the right to withdraw, both remain highly problematic in many schools.

However, the NSS is clear that improved guidance and inclusive rhetoric is not enough.

Whatever guidance there is, there will always be good schools conducting Time for Reflection (TfR) in a truly inclusive way, free from any proselytization or worship. Similarly, however inclusive the language of the guidance is, as long as there is a legal requirement for Religious Observance (RO), many schools and external groups will still see this as an opportunity for religious proselytization and inculcation.

School assemblies are an important feature of school life. Inclusive assemblies can play an important role in fostering a sense of community in schools. Assemblies with an ethical dimension are also an ideal time within the school day to promote the spiritual, moral, social and cultural development of pupils. Acts of worship are neither necessary nor desirable to achieve these important educational goals.

We would therefore urge you to to remove the legal requirement for Religious Observance in schools.

With specific regard to the revised guidance, we offer the following comments.

Terminology

We welcome the move in many non-denominational schools towards renaming RO “Time for Reflection” (TfR), it is right that this move towards rhetorical inclusion should continue to be recognised and supported by the guidance. However, rhetoric must be matched with substance. It is not enough for an unpopular and anachronistic requirement to simply be cosmetically rebranded. Indeed, such an exercise would simply serve to further confuse parents and schools over its purpose and the right to withdraw.

Drawing on the established terminology within the Curriculum for Excellence, we suggest that the guidance explicitly defines the following terms. An understanding of the difference between these terms should be clearly evident in schools’ approaches to TfR.

- **Time for Reflection** – an inclusive school community activity involving engagement with and reflection on a SMSC topic.

³ <http://www.natcen.ac.uk/blog/is-scotland-losing-its-faith>

- **Personal reflection** – personal worship/belief reflection in response to SMSC issues. This can take place within TfR – for example at the end of an assembly pupils can be given silent time to reflect on the topic in a manner consistent with their own religion/belief – as well as within other settings.
- **Organised worship** – an opt-in group or community activity involving the manifestation of religion or belief practices facilitated but not led by the school. Organised worship should not form a part of any compulsory or TfR activities.
- **Spiritual development** – we recommend that this phrase is replaced with **SMSC development** (spiritual, moral, social and cultural). As the guidance and good practice indicates many issues are raised through TfR including moral issues, current affairs, environmental and community issues – these should not be conflated with ‘spirituality’ or framed as exclusively religious questions.

Communication

Given that so many of the concerns regarding RO relate to communications and lack of clarity – concerns which are not satisfactorily addressed by the 2012 Regulations – the guidance should require schools to:

- Explicitly state how the school plans, delivers and reviews RO/TfR – including opportunities for regular feedback
- Explicitly state the procedures and provision for exercising the right to withdraw and raising concerns
- Provide adequate information in advance of any external groups' involvement in the delivery of RO/TfR
- Provide a termly/half-termly plan of RO/TfR activities

Right to withdraw

We are disappointed that the guidance continues to tacitly endorse the tactics of many schools, particularly denominational schools, to discourage withdrawal.

Guidance recommending that “schools should include young people in any discussions about aspects of their school experience, ensuring their wishes are taken into account” is insufficient to satisfy the Scottish Government’s obligations under Articles 12 and 14 of the UNCRC and the Children and Young People (Scotland) Act 2014. As stated by the UNCRC in 2016, in order to protect young people’s independent freedom of religion and belief, pupils should be able to independently exercise the right to withdraw from RO. The UNCRC did not limit this right to pupils of any particular age. It was equally critical of the situation in England where only sixth formers have the independent right of withdrawal.

A law that is not human rights compliant cannot be dealt with by revised guidance. The legal framework must be amended.

Finally, we hope that you will agree with us that it is not a legitimate function of the Government to impose religious doctrine or observance by law or any other method on those, of any age who do not wish it. As Scotland becomes both a significantly less religious and more religiously diverse country the justification for imposing largely Christian worship becomes untenable, bordering on draconian.

I would be happy to meet and discuss these issues with you or a member of your department.

Yours sincerely

Keith Porteous Wood
Executive Director

T: 0131-244 [redacted] F: 0131-244 [redacted]
E: [redacted]

[redacted]

By email - [redacted]

Our ref: [redacted]
6 April 2017

Dear [redacted]

Thank you for your letter of 6 February about Religious Observance in schools and the Scottish Government's consultation on revised guidance. I apologise for the delay in replying.

Regarding a reply to your earlier correspondence, [redacted] Attached below is a copy of this reply.

The Scottish Government has now published revised guidance on Religious Observance in Scottish schools, which is available at the attached link. Thank you for your involvement in this process. <http://www.gov.scot/Topics/Education/Schools/curriculum/ReligiousObservance>

We were grateful for all consultation responses and views about this area of school practice. While we were not able to accommodate all the suggestions for specific wording which were made in respect of various sections of the document, you may notice various minor changes made in the interests of clarity and consistency.

This was not a review of the legislative provisions underpinning the provision of Religious Observance in Scottish schools, neither does it mark a shift in Scottish Government policy. Instead, the revisions to the guidance serve two purposes:

- To ensure that readers are clear that young people should be involved in decisions about Religious Observance in their education; and

- To bring references and language up-to-date and provide additional clarity where it is thought this is needed.

The predominant view which emerged from consultation was that the revisions being proposed to the guidance were worthwhile. Some consultees expressed the view that a more thoroughgoing review of the policy should be undertaken to look at more fundamental aspects of policy and practice. This is something which we in Scottish Government will continue to keep under review.

Yours sincerely

[redacted]

[redacted]

[Redacted]

RECEIVED 13 FEB 2017

1664

6 February 2017

John Swinney, MSP
Cabinet Secretary for Education and Skills
T4.23
The Scottish Parliament
Edinburgh
EH99 1SP

Dear Mr Swinney,

Scripture Union Pray for Schools – Troon

I am writing to you on behalf of the above. A group of people of mixed ages who have an interest in what happens in our local schools, and who pray for them.

We meet fortnightly on Monday mornings during school terms, to pray for teachers and other staff, as well as all the pupils. There are five primary schools and one secondary school in Troon.

As well as praying for the schools, we pray for wisdom, understanding and clear professional guidance for yourself and those who advise you as you plan and oversee the education system in Scotland.

We are more than a little concerned about the Scottish Secular Society who are so opposed to any Christian presence in our schools, and do hope you will continue to keep our schools open to Religious Observance, Christian chaplains taking school Assemblies and others who are willing to run S.U. groups etc. It is part of our Scottish heritage to teach our children the biblical principles which are incorporated in the words upon the Mace in the Scottish Parliament – Wisdom, Justice, Compassion and Integrity.

Thank you for your leadership in education in Scotland, we look forward to seeing days of great things happening in all the schools in Scotland - where headteachers and all their staff are able to use their skills and abilities to care for, value, respect and educate each child whatever their status and background may be.

Yours sincerely

[Redacted]

(Prayer Group Co-ordinator)

T: 0131-244 [redacted] F: 0131-244
[redacted]E: c[redacted]

[redacted]

Your ref:
Our ref: 2017/[redacted]
6 April 2017

Dear [redacted]

Thank you for your letter of 6 February to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills, [redacted]. I have been asked to reply on Mr Swinney's behalf.

The Scottish Government currently has no plans to change its policy on Religious Observance in schools. We have just published some revised guidance on this for schools to use in planning and delivering RO experiences for young people in schools. This guidance sets out how Ministers believe RO contributes to young people's learning and development and how it can successfully be done so as to recognise and respect participants of all faiths and none. The text below is at paragraph nine.

“Scotland is a society with a longstanding Christian tradition. However, Scotland has for many generations also been home to other faith and belief traditions, never more so than at present. Scotland remains a country where people continue to be welcomed and we can expect Scotland to become increasingly diverse in the range of faith and belief traditions represented. RO in schools needs to be developed in a way which reflects and understands this diversity. It should be sensitive to our traditions and origins and should seek to reflect these but it must equally be sensitive to individual spiritual needs and beliefs, whether these come from a faith/belief or non-faith perspective.”

<http://www.gov.scot/Topics/Education/Schools/curriculum/ReligiousObservance>

Yours sincerely

[redacted]

Cidhe Bhictòria, Dùn Èideann, EH6 6QQ
Victoria Quay, Edinburgh EH6 6QQ
www.gov.scot





T: 0131-244[redacted] F: 0131-244 [redacted]E:
[redacted]

[redacted]

By email - [\[redacted\]](#)

Our ref: 2017/[redacted]
25 April 2017

Dear [redacted]

Thank you for your email of 18 April to John Swinney MSP, Cabinet Secretary for Education and Skills requesting information on the Provision of Religious Observance in Scottish Schools. Mr Swinney has asked me to thank you for your email and to reply on his behalf.

While the curriculum and Religious Observance (RO) primarily reflect the role Christianity has played in shaping the history and traditions of Scotland, Religious Observance in the 21st Century should reflect Scotland's diversity. Many school communities contain pupils and staff from faiths other than Christianity or with no faith commitment, and this must be taken into account in support spiritual development. Religious Observance should be an inclusive, valuable and a meaningful experience for all.

Scottish Ministers are clear about the value that RO can have for young people in schools. It can offer opportunities for young people to reflect meaningfully on different points of view and values, including their own. It creates chances to think about the nature and possible meaning of life and humans' place in the world. It can promote critical thinking, supporting the development of an awareness that not all people think the same or share the same ideas and experiences about life. In this way, RO can contribute to development of the four capacities: successful learner, confident individual, effective contributor and responsible citizen.

To ensure that the experience is both relevant and appropriate, schools are encouraged to work with members of the school community to plan the content, frequency and location of Religious Observance. Schools should also create a policy document to be shared with parents at the beginning of the school year.

That said, the Education (Scotland) Act 1980 states that parents can however choose to withdraw their children from religious observance should they wish to do so. Pupils are not to be placed at a disadvantage either in the secular instruction they receive by virtue of their



religion, nor because they have been withdrawn from these programmes. There is no statutory right to withdraw afforded to children and young people. However schools should include children and young people in any discussions about aspects of their school experience, ensuring their views are taken into account.

The Scottish Government guidance of 2011 to which you refer has been revised to take into consideration the views of young people in deciding whether to withdraw from RO is available at the following weblink: <http://www.gov.scot/Resource/0051/00516155.pdf>

I hope this information is helpful but please get back to me if you have any further questions.

Yours sincerely

[redacted]

[redacted]

From: [redacted]
Sent: 12 July 2017 09:50:34
To: Public Engagement Unit
Subject: FW: Resist the Humanist Society of Scotland is Attempts to Undermine the Teaching Authority of Parents

For MACCS please. DFM is on leave until the 21st July and has not seen this correspondence. Please process as normal and I will let you know if DFM has any additional comments.

Thanks

[redacted]

[redacted] Assistant Private Secretary (Correspondence) to John Swinney MSP | Deputy First Minister and Cabinet Secretary Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | Ext 0131 244 [redacted]

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From: [redacted] On Behalf Of [redacted]
Sent: 10 July 2017 17:34
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Subject: [redacted]

For the Attention of Mr John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education

Dear Mr John Swinney,

[redacted]

[redacted] has been prompted in part by the UN Children's Rights Committee review earlier this year which recommended that 'the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school.'

Recognising parents as the primary educators of their own children, and recognising that the state exists to assist parents in this task, I wish to let you know my support for the current position of the Scottish Government regarding religious observance at school.

Parents are entitled to raise their children within their own tradition, religious or otherwise, and should be able to send their children to a school which reflects that tradition.

As parents are currently allowed to withdraw their children from religious observance at school but children themselves are not permitted to make this choice, the state is currently respecting and recognising the rights of parents as the primary educators of their own children.

No change is needed as parental rights are currently respected and once a child reaches maturity, he or she is able to participate in religious observance to whatever degree he or she pleases.

I urge you therefore to do all that you can to ensure that the parental right to raise one's child within one's own tradition is maintained, and that the Scottish Government does not undermine this right by permitting children to dissent from their parental wishes.

Sincerely,
[redacted]

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[redacted]
E: [redacted]

[redacted]

By email - [redacted]

Our ref: [redacted]
13 July 2017

Dear [redacted]
[redacted]

There is no legal requirement in Scotland for schools to 'hold acts of collective worship'; instead the terms 'Religious Observance' (RO) or 'Time for Reflection' are used in statute and guidance. Education Scotland guidance on Religious Observance (Time for Reflection) explains how effective Religious Observance may take a variety of forms and need not include worship at all.

There is a very fine line between religious observance and an act of worship, and indeed there may be instances where the two go hand in hand, so perhaps it is understandable that there is some confusion. The Religious Observance Review Group discussed this and agreed that 'worship is a free response of an individual and community to what is considered worthy of worship. This response involves three elements: belief in the reality of the focus of worship, desire to offer worship to the focus of worship and the commitment of life stances related to the focus of worship. An organised act of worship is based on the assumption that those present share these elements. Religious Observance does not assume these elements.'

The Scottish Government agrees that parents and carers are the most important influence throughout a child's education, and that parental involvement in learning makes a real difference to a child's achievements. Everyone benefits (children, parents and teachers) when parents and schools work effectively together to support learning.

As you note, the current position in Scotland as set out in section 9 of the Education (Scotland) Act 1980, gives parents a right to withdraw their child from religious observance in local authority schools and grant-aided schools. There is no equivalent statutory right to withdraw afforded to children and young people, however it would be considered good

practice in schools to include young people in discussions with parents about any decision on non-participation.

I hope this is helpful but please get back to me if you have any other questions.

Yours sincerely

[redacted]

From: [Redacted]
Sent: 26 July 2017 12:52:48
To: Public Engagement Unit
Subject: FW: Resist the Humanist Society of Scotland is Attempts to Undermine the Teaching Authority of Parents

For MACCS please.

[Redacted]

From: CitizenGO [mailto:petitions@citizengo.org] On Behalf Of [Redacted]
Sent: 22 July 2017 03:57
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Subject: Resist the Humanist Society of Scotland is Attempts to Undermine the Teaching Authority of Parents

For the Attention of Mr John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education

Dear Mr John Swinney,

As I'm sure you are aware, the Humanist Society of Scotland (HSS) has recently launched a legal challenge to the Scottish Government's decision not to allow pupils to opt themselves out of religious observance at school.

The action of the HSS has been prompted in part by the UN Children's Rights Committee review earlier this year which recommended that 'the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school.'

Recognising parents as the primary educators of their own children, and recognising that the state exists to assist parents in this task, I wish to let you know my support for the current position of the Scottish Government regarding religious observance at school.

Parents are entitled to raise their children within their own tradition, religious or otherwise, and should be able to send their children to a school which reflects that tradition.

As parents are currently allowed to withdraw their children from religious observance at school but children themselves are not permitted to make this choice, the state is currently respecting and recognising the rights of parents as the primary educators of their own children.

No change is needed as parental rights are currently respected and once a child reaches maturity, he or she is able to participate in religious observance to whatever

degree he or she pleases.

I urge you therefore to do all that you can to ensure that the parental right to raise one's child within one's own tradition is maintained, and that the Scottish Government does not undermine this right by permitting children to dissent from their parental wishes.

Sincerely,
[Redacted]

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T: 0131-244 [redacted] F: 0131-244
[redacted]

E: [redacted]

[redacted]

By email - petitions@citizengo.org

Your ref:
Our ref: [redacted]
26 July 2017

Dear [redacted]

[redacted]

There is no legal requirement in Scotland for schools to 'hold acts of collective worship'; instead the terms 'Religious Observance' (RO) or 'Time for Reflection' are used in statute and guidance. Education Scotland guidance on Religious Observance (Time for Reflection) explains how effective Religious Observance may take a variety of forms and need not include worship at all.

There is a very fine line between religious observance and an act of worship, and indeed there may be instances where the two go hand in hand, so perhaps it is understandable that there is some confusion. The Religious Observance Review Group discussed this and agreed that 'worship is a free response of an individual and community to what is considered worthy of worship. This response involves three elements: belief in the reality of the focus of worship, desire to offer worship to the focus of worship and the commitment of life stances related to the focus of worship. An organised act of worship is based on the assumption that those present share these elements. Religious Observance does not assume these elements.'

The Scottish Government agrees that parents and carers are the most important influence throughout a child's education, and that parental involvement in learning makes a real difference to a child's achievements. Everyone benefits (children, parents and teachers) when parents and schools work effectively together to support learning.

As you note, the current position in Scotland as set out in section 9 of the Education (Scotland) Act 1980, gives parents a right to withdraw their child from religious observance in local authority schools and grant-aided schools. There is no equivalent statutory right to withdraw afforded to children and young people, however it would be considered good



practice in schools to include young people in discussions with parents about any decision on non-participation.

I hope this is helpful but please get back to me if you have any other questions.

Yours sincerely

[redacted]

T: 0131-244 [redacted] F: 0131-244 [redacted]
E: [redacted]

[redacted]

By email - [redacted]

Our ref: [redacted]
6 April 2017

Dear [redacted]

Thank you for your letter of 6 February about Religious Observance in schools and the Scottish Government's consultation on revised guidance. I apologise for the delay in replying.

Regarding a reply to your earlier correspondence, [redacted] Attached below is a copy of this reply.

The Scottish Government has now published revised guidance on Religious Observance in Scottish schools, which is available at the attached link. Thank you for your involvement in this process. <http://www.gov.scot/Topics/Education/Schools/curriculum/ReligiousObservance>

We were grateful for all consultation responses and views about this area of school practice. While we were not able to accommodate all the suggestions for specific wording which were made in respect of various sections of the document, you may notice various minor changes made in the interests of clarity and consistency.

This was not a review of the legislative provisions underpinning the provision of Religious Observance in Scottish schools, neither does it mark a shift in Scottish Government policy. Instead, the revisions to the guidance serve two purposes:

- To ensure that readers are clear that young people should be involved in decisions about Religious Observance in their education; and

- To bring references and language up-to-date and provide additional clarity where it is thought this is needed.

The predominant view which emerged from consultation was that the revisions being proposed to the guidance were worthwhile. Some consultees expressed the view that a more thoroughgoing review of the policy should be undertaken to look at more fundamental aspects of policy and practice. This is something which we in Scottish Government will continue to keep under review.

Yours sincerely

[redacted]

[redacted]

Deputy First Minister and Cabinet Secretary for
Education and Skills
John Swinney MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

F/T: 0300 244 4000
E: dfmcse@gov.scot

Mr Gordon MacRae
Humanist Society Scotland
Playfair House
6 Broughton Street Lane
EDINBURGH
EH1 3LY

Our ref: 2016/0034072
8th December 2016

Mr MacRae,

Thank you for your letter to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills about Religious Observance in Scottish schools.

Mr Swinney would be delighted to meet with you to discuss your concerns. Please contact me at dfmcse@gov.scot to make the necessary arrangements.

Yours sincerely,

[redacted]
Diary Secretary

From: [redacted]
Sent: 01 July 2016 16:30:49
To: scottish.ministers@gov.scot
Subject: UN Committee for the Rights of the Child – comments regarding Religious Observance in Scotland

Attachments: RO Scotland UNCRC 160701 SENT.docx

For the attention of John Swinney MSP, Cabinet Secretary for Education and Skills

Dear Mr Swinney

UN Committee for the Rights of the Child – comments regarding Religious Observance in Scotland

Please find a letter attached concerning the recent recommendations of the UN Committee for the Rights of the Child regarding Religious Observance in Scotland.

With kind regards,

[redacted]

E: [redacted]

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1 July 2016

John Swinney MSP
Cabinet Secretary for Education and Skills
Scottish Parliament
Edinburgh
EH99 1SP

national
secular
society

5 Atholl Crescent
Edinburgh
EH3 8EJ

EMAIL: enquiries@secularism.org.uk

WEB: www.secularism.org.uk

Dear Mr Swinney

UN Committee for the Rights of the Child – comments regarding Religious Observance in Scotland

You will presumably be aware that the Committee wrote on 3 June ref CRC/C/GBR/CO/5 to raise concerns about the above, detailed on page 7, paras 34 and 35, the text of which is repeated in the Appendix.

We were disappointed to learn from a report of a letter from [redacted], [redacted] setting out the Scottish Government's reaction to the UN observations and recommendations in paras 34 and 35 – that the "Scottish Government does not consider it necessary to update its guidance in a form of a new circular to headteachers at this time".

[redacted]

Our understanding of Section 9 of the Education (Scotland) Act 1980 is that withdrawal in Scotland can only be made by parents, not by the pupils themselves, even if the pupil is an adult. This is self-evidently a breach of their freedom of conscience.

For the last ten years "sixth form" pupils in England & Wales were permitted to withdraw themselves as a result of an amendment to section 71 of the School Standards and Framework Act 1998. As you will observe, however, the Sixth form pupils' self-withdrawal also drew adverse criticism from the UN.

The "Sixth form" amendment was a dilution by the Government of a proposal that pupils of "sufficient maturity, understanding and intelligence" supported by the Joint (Westminster Parliamentary) Committee on Human Rights. This was based on the *Gillick* case law determining the criteria under which young people can receive advice on contraception without their parents' knowledge. It would seem to us that the "Gillick" age would on average be considerably lower than that of sixth form pupils, and, further, that the age for conforming to the

criteria for withdrawal from Religious Observance would be lower than that for advice on contraception, with the activity and potential consequences that they imply.

[redacted]

Scotland has been quick to recognise Human Rights for sexual minorities, yet seems sadly unwilling to respond to the recommendations of the experts at the UN and recognise that children progressively acquire Human Rights.

[redacted]

I would be happy to meet and discuss these issues with you or a member of your department.

Yours sincerely

[redacted]

Appendix

Freedom of thought, conscience and religion

34. The Committee is concerned that pupils are required by law to take part in a daily religious worship which is “wholly or mainly of a broadly Christian character” in publicly funded schools in England and Wales, and that children do not have the right to withdraw from such worship without parental permission before entering the sixth form. In Northern Ireland and Scotland, children do not have right to withdraw from collective worship without parental permission.

35. The Committee recommends that the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school. [Emphasis in original]

T: 0131-244 [redacted] F: 0131-244
[redacted]E:[redacted]

[redacted]

Your ref:
Our ref: 2016/[redacted]
3 August 2016

Dear [redacted]

Thank you for your letter to John Swinney MSP, Cabinet Secretary for Education and Skills about the UN Committee for the Rights of the Child – comments regarding Religious Observance in Scotland. Mr Swinney has asked me to thank you for your letter and to reply on his behalf.

The recent letter we sent to [redacted] refers to Religious and Moral Education (RME) and Religious Observance (RO) as distinct areas of education, albeit both underpinned by the same legislation in the form of the Education (Scotland) Act 1980. While the two aspects of school experience are different, it is important that schools approach both RME and RO in a fully inclusive manner, as stated in the Scottish Government's guidance on each.

Your letter refers specifically to RO and the right to withdraw from it. The existing legislation, in conjunction with Scottish Government guidance, gives a strong basis for schools to provide relevant, inclusive RO. While the statutory right to withdraw is afforded to parents rather than to children and young people, many schools will find it helpful and sensible to include young people in any discussions about opting out, ensuring their wishes are aired.

Arrangements in England and Wales are fundamentally different from those which are relevant in Scotland, as religious activities in schools take a different form and are governed by different legislation.

[redacted]

Yours sincerely

[redacted]



From: [Redacted]
Sent: 06 February 2017 16:19:12
To: scottish.ministers@gov.scot
Subject: Religious Observance – Scottish Government consultation on guidance

Attachments: RO Guidance Scotland 170206.pdf

For the attention of John Swinney MSP, Cabinet Secretary for Education and Skills

Dear Mr Swinney

Please find a letter attached concerning the Scottish Government's informal consultation on the future of RO guidance.

We look forward to your response.

With kind regards,

[Redacted]
Campaigns Director
National Secular Society
5 Atholl Crescent
Edinburgh
EH3 8EJ

[Redacted]

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6 February 2017



John Swinney MSP
Cabinet Secretary for Education and Skills
Scottish Parliament
Edinburgh
EH99 1SP

5 Atholl Crescent
Edinburgh
EH3 8EJ

EMAIL: enquiries@secularism.org.uk

WEB: www.secularism.org.uk

Dear Mr Swinney

Religious Observance – Scottish Government consultation on guidance

We last wrote to you on 1 July 2016 to draw your attention to the UN Committee for the Rights of the Child's comments regarding Religious Observance in Scotland, and to urge you to review the law in this area.

Despite not receiving a response to our letter we are nevertheless encouraged by the informal consultation launched by the Government on the future of RO guidance. Whilst we are not on the consultee list, we would like to make the following comments on the proposed revised guidance.

The review comes against a backdrop of growing consensus that schools' approach to worship has failed to respect children's rights to freedom of religion and belief, failed to keep up with significant changes in Scotland's religion and belief landscape and is in need of reform.

To reiterate, in its concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland, the United Nations Committee on the Rights of the Child called on UK governments to repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and to ensure that children can independently exercise the right to withdraw¹. The Committee did not limit this right to pupils of any particular age.

By continuing to mandate religious observance with no pupil- opt-out, Scotland is clearly failing to fulfil its human rights obligations under Convention on the Rights of the Child.

Building on the decisive human rights compliance arguments in principle for repealing legislation mandating religious observance in schools and solely parent withdrawal is the powerful evidence base demonstrating that commitment to religion in Scotland, both in terms of religious identity and attendance at religious services, is in decline. Non-religious and religiously unconcerned school pupils and their parents now form a significant and growing majority in Scotland.

A Scottish Social Attitudes survey in 2016 showed that 52% of the population of Scotland said they were not religious in 2016, compared with 40% in 1999². As trends in Census data reveal, this figure for the population of all ages is likely to be considerably higher for children of school age and their parents.

¹ <https://www.secularism.org.uk/uploads/crcgbr.pdf>

² <https://www.theguardian.com/world/2016/may/23/no-religion-outnumber-christians-england-wales-study>

As the National Centre for Social research has stated: “Each generation of Scots has been less likely to identify with a religion or to attend service than has its predecessor; even if their parents attended church, younger people, influenced by the wider trend towards a more secular society, have not necessarily picked up the habit.”³ That a majority of school pupils and their parents are not religiously observant and that this figure is rising quite rapidly further strengthens the imperative for change.

Efforts to clarify the current position of RO/TfR are an important first step in reform and it is right that the proposed guidance is intended to supersede Circular 1/2005 and the letter of 21 February 2011.

We are pleased that the proposed guidance (particularly in terms of terminology) draws on the progressive rhetoric of [CfE Briefing Paper 16](#) and the intentions for better communications in the 2012 regulations on school handbooks.

A lack of clarity over the nature/intent and provision of RO/TfR in schools is of significant concern to the NSS and parents. As is the concern that despite the intentions of Briefing Paper 16 regarding inclusivity and the right to withdraw, both remain highly problematic in many schools.

However, the NSS is clear that improved guidance and inclusive rhetoric is not enough.

Whatever guidance there is, there will always be good schools conducting Time for Reflection (TfR) in a truly inclusive way, free from any proselytization or worship. Similarly, however inclusive the language of the guidance is, as long as there is a legal requirement for Religious Observance (RO), many schools and external groups will still see this as an opportunity for religious proselytization and inculcation.

School assemblies are an important feature of school life. Inclusive assemblies can play an important role in fostering a sense of community in schools. Assemblies with an ethical dimension are also an ideal time within the school day to promote the spiritual, moral, social and cultural development of pupils. Acts of worship are neither necessary nor desirable to achieve these important educational goals.

We would therefore urge you to to remove the legal requirement for Religious Observance in schools.

With specific regard to the revised guidance, we offer the following comments.

Terminology

We welcome the move in many non-denominational schools towards renaming RO “Time for Reflection” (TfR), it is right that this move towards rhetorical inclusion should continue to be recognised and supported by the guidance. However, rhetoric must be matched with substance. It is not enough for an unpopular and anachronistic requirement to simply be cosmetically rebranded. Indeed, such an exercise would simply serve to further confuse parents and schools over its purpose and the right to withdraw.

Drawing on the established terminology within the Curriculum for Excellence, we suggest that the guidance explicitly defines the following terms. An understanding of the difference between these terms should be clearly evident in schools’ approaches to TfR.

- **Time for Reflection** – an inclusive school community activity involving engagement with and reflection on a SMSC topic.

³ <http://www.natcen.ac.uk/blog/is-scotland-losing-its-faith>

- **Personal reflection** – personal worship/belief reflection in response to SMSC issues. This can take place within TfR – for example at the end of an assembly pupils can be given silent time to reflect on the topic in a manner consistent with their own religion/belief – as well as within other settings.
- **Organised worship** – an opt-in group or community activity involving the manifestation of religion or belief practices facilitated but not led by the school. Organised worship should not form a part of any compulsory or TfR activities.
- **Spiritual development** – we recommend that this phrase is replaced with **SMSC development** (spiritual, moral, social and cultural). As the guidance and good practice indicates many issues are raised through TfR including moral issues, current affairs, environmental and community issues – these should not be conflated with ‘spirituality’ or framed as exclusively religious questions.

Communication

Given that so many of the concerns regarding RO relate to communications and lack of clarity – concerns which are not satisfactorily addressed by the 2012 Regulations – the guidance should require schools to:

- Explicitly state how the school plans, delivers and reviews RO/TfR – including opportunities for regular feedback
- Explicitly state the procedures and provision for exercising the right to withdraw and raising concerns
- Provide adequate information in advance of any external groups' involvement in the delivery of RO/TfR
- Provide a termly/half-termly plan of RO/TfR activities

Right to withdraw

We are disappointed that the guidance continues to tacitly endorse the tactics of many schools, particularly denominational schools, to discourage withdrawal.

Guidance recommending that “schools should include young people in any discussions about aspects of their school experience, ensuring their wishes are taken into account” is insufficient to satisfy the Scottish Government’s obligations under Articles 12 and 14 of the UNCRC and the Children and Young People (Scotland) Act 2014. As stated by the UNCRC in 2016, in order to protect young people’s independent freedom of religion and belief, pupils should be able to independently exercise the right to withdraw from RO. The UNCRC did not limit this right to pupils of any particular age. It was equally critical of the situation in England where only sixth formers have the independent right of withdrawal.

A law that is not human rights compliant cannot be dealt with by revised guidance. The legal framework must be amended.

Finally, we hope that you will agree with us that it is not a legitimate function of the Government to impose religious doctrine or observance by law or any other method on those, of any age who do not wish it. As Scotland becomes both a significantly less religious and more religiously diverse country the justification for imposing largely Christian worship becomes untenable, bordering on draconian.

I would be happy to meet and discuss these issues with you or a member of your department.

Yours sincerely

Keith Porteous Wood
Executive Director

From: [redacted]
Sent: 22 December 2017 10:58:07
To: Public Engagement Unit
Subject: FW: Letter to John Swinney

Attachments: John Swinney Letter December 2017.pdf

For MACCS please.

[redacted] Assistant Private Secretary (Correspondence) to John Swinney MSP | Deputy First Minister and Cabinet Secretary Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | Ext [redacted] [redacted]

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From: Public Engagement Unit
Sent: 21 December 2017 09:31
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Subject: FW: Letter to John Swinney

Hello

Please see an e-mail for consideration and advice

[redacted]

[cid:image004.png@01D37B13.BF637E00]
Engagement Unit

Public

Ministerial Private Office

From: [Redacted]
December 2017 08:44
To: Scottish Ministers
Subject: Letter to John Swinney

Dear Scottish Government,

Please find attached joint letter from the following to John Swinney, Cabinet Secretary for Education:

Humanist Society Scotland
Scottish Youth Parliament
LGBT Youth Scotland
Scottish Alliance for Children's Rights

SCVO

Kind regards

[Redacted]

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Humanist Society Scotland

Registered Address: Playfair House, 6 Broughton Street Lane, Edinburgh, EH1 3LY.

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John Swinney MSP
Cabinet Secretary for Education & Skills
Scottish Government
St Andrews House
Regent Road
Edinburgh
EH1 3DG

21st December 2017

Religious Observance Opt Out

Dear Cabinet Secretary,

We write as a coalition of organisations who uphold the UN Convention on the Rights of the Child. Firstly we welcome the commitment that the Scottish Government have made in the 2017-18 programme for government to:

“embed the principles of the UN Convention on the Rights of the Child into policy and legislation, including the option of full incorporation into domestic law.”

As part of this we ask for you to implement the right for children and young people to opt-out of religious observance in Scottish state schools.

As you are aware the United Nations Committee on the Rights of the Child have called on the Scottish Government to implement this change previously, as have others. Most recently in 2016 the UN committee’s fifth periodic review report stated:

“In Northern Ireland and Scotland, children do not have right to withdraw from collective worship without parental permission. The Committee recommends that the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school.”

This change also has broad public support with independent polling research carried out in September 2017, showing 67% of people in Scotland support respecting the right of children and young people to make their own choice regarding attendance at religious observance.

We would request that the Scottish Government make a statement at the earliest opportunity confirming that they will seek to implement this change and respect children and young people’s right to choose in line with your commitment to the UN Convention on the Rights of the Child.

Yours Sincerely,

Amy-Lee Fraoli: Chair, Scottish Youth Parliament
Gordon MacRae: Chief Executive, Humanist Society Scotland
Fergus McMillan, Chief Executive, LGBT Youth Scotland
Liz Millership: Director, Scottish Alliance for Children’s Rights
John Downie: Director of Public Affairs, Scottish Council for Voluntary Organisations





T: 0131-244 [redacted] F: 0131-244
[redacted]
E: [redacted]

[redacted]

By email - [\[redacted\]](#)

Your ref:
Our ref: 2016/[redacted]
29 November 2016

Dear [redacted]
[redacted]

The Scottish Government agrees that parents and carers are the most important influence throughout a child's education, and that parental involvement in learning makes a real difference to a child's achievements. Everyone benefits (children, parents and teachers) when parents and schools work effectively together to support learning.

As you note, the current position in Scotland as set out in section 9 of the Education (Scotland) Act 1980, gives parents a right to withdraw their child from religious observance in local authority schools and grant-aided schools. There is no equivalent statutory right to withdraw afforded to children and young people, however it would be considered good practice in schools to include young people in discussions with parents about any decision on non-participation.

[redacted]

Yours sincerely

By email - [redacted]

[redacted]



From: [redacted]
Sent: 03 October 2016 15:47:34
To: Ministerial Correspondence Unit
Subject: FW: Resist the Humanist Society of Scotland is Attempts to Undermine the Teaching Authority of Parents

Hi,

For MACCS please.

Thanks,

[redacted]

[redacted] | Assistant Private Secretary (Correspondence) to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | T: [redacted] | E: dfm@gov.scot<mailto:dfm@gov.scot>

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From: [redacted] Sent: 29 September 2016 20:28
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Subject: [redacted]

For the Attention of Mr John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education

Dear Mr John Swinney,

[redacted]

[redacted] been prompted in part by the UN Children's Rights Committee review earlier this year which recommended that 'the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school.'

Recognising parents as the primary educators of their own children, and recognising that the state exists to assist parents in this task, I wish to let you know my support for the current position of the Scottish Government regarding religious observance at school.

Parents are entitled to raise their children within their own tradition, religious or otherwise, and should be able to send their children to a school which reflects that tradition.

As parents are currently allowed to withdraw their children from religious observance at school but children themselves are not permitted to make this choice, the state is currently respecting and recognising the rights of parents as the primary educators of their own children.

No change is needed as parental rights are currently respected and once a child reaches maturity, he or she is able to participate in religious observance to whatever degree he or she pleases.

I urge you therefore to do all that you can to ensure that the parental right to raise one's child within one's own tradition is maintained, and that the Scottish Government does not undermine this right by permitting children to dissent from their parental wishes.

Sincerely,
[redacted]

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From: [redacted]
Sent: 12 October 2016 13:28:34
To: Ministerial Correspondence Unit
Subject: FW: Letter FAO John Swinney

Attachments: LettertoJohnSwinney101016.pdf

Hi,

For MACCS, MR please.

Thanks,

[redacted]

[redacted]|Assistant Private Secretary (Correspondence) to John Swinney MSP |
Deputy First Minister of Scotland and Cabinet Secretary for Education and Skills |
Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | T: [REDACTED]
[redacted] | E: DFMCS@gov.scot<mailto:DFMCSE@gov.scot>

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From: Gary McLelland [mailto:gary@humanism.scot]

Sent: 10 October 2016 12:27

To: Deputy First Minister and Cabinet Secretary for Education and Skills

Subject: Letter FAO John Swinney

Letter from Gordon MacRae, HSS Chief Executive.

Please find attached,

Thank you,

Gary

--

[Redacted] | Head of Communications and Public Affairs

[Redacted]

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bulletins<<https://www.humanism.scot/get-involved/become-a-supporter/>>

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Partnership<<https://www.justgiving.com/scotlandmalawi>>

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John Swinney MSP
Deputy First Minister, &
Cabinet Secretary for Education and Skills

by email to: DFMCS@gov.scot

10/10/16

Dear Mr Swinney,

Religious Observance in Scottish schools

Reports in the *Motherwell Times* that up to 50 young people in Motherwell have been punished for not attending a religious service just serves to highlight the urgent need for reform of the outdated requirement for Religious Observance in Scottish state schools.

Humanist Society Scotland seeks to represent the views of people in Scotland who wish to lead ethical and fulfilling lives guided by reason, empathy and compassion. We provide a range of non-religious ceremonies and campaign for a secular state. HSS has over 14,000 members across Scotland.

On behalf of our members and supporters I would like to urge you to intervene personally to make sure that no more young people are punished for refusing to attend Religious Observance.

I would be very grateful for an opportunity to meet with you so that I can discuss our concerns in more detail.

Thank you,

Gordon

Gordon MacRae
Chief Executive, Humanist Society Scotland

From: [redacted]
Sent: 27 October 2016 14:19:01
To: Ministerial Correspondence Unit
Subject: [redacted]
[redacted]

Hi,

For MACCS, OR please.

[redacted][redacted]

[redacted]|Assistant Private Secretary (Correspondence) to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | T: 0131 244 [redacted] | E: DFMCSSE@gov.scot<mailto:DFMCSSE@gov.scot>

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From: [redacted]
Sent: 26 October 2016 12:02
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Subject: [redacted]

For the Attention of Mr John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education

Dear Mr John Swinney,

[redacted]

[redacted] UN Children's Rights Committee review earlier this year which recommended that 'the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school.'

Recognising parents as the primary educators of their own children, and recognising that the state exists to assist parents in this task, I wish to let you know my support for the current position of the Scottish Government regarding religious observance at school.

Parents are entitled to raise their children within their own tradition, religious or otherwise, and should be able to send their children to a school which reflects that tradition.

As parents are currently allowed to withdraw their children from religious observance at school but children themselves are not permitted to make this choice, the state is currently respecting and recognising the rights of parents as the primary educators of their own children.

No change is needed as parental rights are currently respected and once a child reaches maturity, he or she is able to participate in religious observance to whatever degree he or she pleases.

I urge you therefore to do all that you can to ensure that the parental right to raise one's child within one's own tradition is maintained, and that the Scottish Government does not undermine this right by permitting children to dissent from their parental wishes.

Sincerely,
[redacted]

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T: 0131-244 [redacted] F: 0131-244
[redacted]E:[redacted]

[redacted]

By email - [redacted]

Your ref:
Our ref: 2016/[redacted]
29 November 2016

Dear [redacted]

[redacted]

The Scottish Government agrees that parents and carers are the most important influence throughout a child's education, and that parental involvement in learning makes a real difference to a child's achievements. Everyone benefits (children, parents and teachers) when parents and schools work effectively together to support learning.

As you note, the current position in Scotland as set out in section 9 of the Education (Scotland) Act 1980, gives parents a right to withdraw their child from religious observance in local authority schools and grant-aided schools. There is no equivalent statutory right to withdraw afforded to children and young people, however it would be considered good practice in schools to include young people in discussions with parents about any decision on non-participation.

[redacted]

Yours sincerely

[redacted]

[redacted]



From: [redacted]
Sent: 03 October 2016 15:47:34
To: Ministerial Correspondence Unit
Subject: FW: Resist the Humanist Society of Scotland is Attempts to Undermine the Teaching Authority of Parents

Hi,

For MACCS please.

Thanks,

[redacted]

[redacted] | Assistant Private Secretary (Correspondence) to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | T: 0131 244 [redacted] | E: dfm@gov.scot<mailto:dfm@gov.scot>

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From: [redacted] Sent: 29 September 2016 20:28
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Subject: [redacted]

For the Attention of Mr John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education

Dear Mr John Swinney,

[redacted]

[redacted] been prompted in part by the UN Children's Rights Committee review earlier this year which recommended that 'the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school.'

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I urge you therefore to do all that you can to ensure that the parental right to raise one's child within one's own tradition is maintained, and that the Scottish Government does not undermine this right by permitting children to dissent from their parental wishes.

Sincerely,
[redacted]

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T: 0131-244 [redacted] F: 0131-244
[redacted]
E: [redacted]

[redacted]

By email - [\[redacted\]](#)

Your ref:
Our ref: 2016/[redacted]
29 November 2016

Dear [redacted]
[redacted]

The Scottish Government agrees that parents and carers are the most important influence throughout a child's education, and that parental involvement in learning makes a real difference to a child's achievements. Everyone benefits (children, parents and teachers) when parents and schools work effectively together to support learning.

As you note, the current position in Scotland as set out in section 9 of the Education (Scotland) Act 1980, gives parents a right to withdraw their child from religious observance in local authority schools and grant-aided schools. There is no equivalent statutory right to withdraw afforded to children and young people, however it would be considered good practice in schools to include young people in discussions with parents about any decision on non-participation.

[redacted]

Yours sincerely

By email - [redacted]

[redacted]



From: [Redacted]
Sent: 01 July 2016 16:30:49
To: scottish.ministers@gov.scot
Subject: UN Committee for the Rights of the Child – comments regarding Religious Observance in Scotland

Attachments: RO Scotland UNCRC 160701 SENT.docx

For the attention of John Swinney MSP, Cabinet Secretary for Education and Skills

Dear Mr Swinney

UN Committee for the Rights of the Child – comments regarding Religious Observance in Scotland

Please find a letter attached concerning the recent recommendations of the UN Committee for the Rights of the Child regarding Religious Observance in Scotland.

With kind regards,

[Redacted]
Campaigns Director
National Secular Society
5 Atholl Crescent
Edinburgh
EH3 8EJ

[Redacted]

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1 July 2016



John Swinney MSP
Cabinet Secretary for Education and Skills
Scottish Parliament
Edinburgh
EH99 1SP

5 Atholl Crescent
Edinburgh
EH3 8EJ

EMAIL: enquiries@secularism.org.uk

WEB: www.secularism.org.uk

Dear Mr Swinney

UN Committee for the Rights of the Child – comments regarding Religious Observance in Scotland

You will presumably be aware that the Committee wrote on 3 June ref CRC/C/GBR/CO/5 to raise concerns about the above, detailed on page 7, paras 34 and 35, the text of which is repeated in the Appendix.

We were disappointed to learn from a report of a letter from Sue Langlands, head of the curriculum unit setting out the Scottish Government's reaction to the UN observations and recommendations in paras 34 and 35 – that the "Scottish Government does not consider it necessary to update its guidance in a form of a new circular to headteachers at this time".

The justification proffered, in essence that the "pluralistic manner" in which religious and non-religious perspectives are covered in religion-related subjects renders the UN observation and recommendations invalid or unnecessary. We are not alone in being taken aback by the complete failure to engage with the UN's concerns which implies an embarrassing misunderstanding of the issues at stake. Compelling pupils to take part in Religious Observance involuntarily simply because their parents have not withdrawn them – the essence of the UN's concerns - has nothing to do with the breadth of the curriculum in other subjects.

Our understanding of Section 9 of the Education (Scotland) Act 1980 is that withdrawal in Scotland can only be made by parents, not by the pupils themselves, even if the pupil is an adult. This is self-evidently a breach of their freedom of conscience.

For the last ten years "sixth form" pupils in England & Wales were permitted to withdraw themselves as a result of an amendment to section 71 of the School Standards and Framework Act 1998. As you will observe, however, the Sixth form pupils' self-withdrawal also drew adverse criticism from the UN.

The "Sixth form" amendment was a dilution by the Government of a proposal that pupils of "sufficient maturity, understanding and intelligence" supported by the Joint (Westminster Parliamentary) Committee on Human Rights. This was based on the *Gillick* case law determining the criteria under which young people can receive advice on contraception without their parents' knowledge. It would seem to us that the "Gillick" age would on average be considerably lower than that of sixth form pupils, and, further, that the age for conforming to the

criteria for withdrawal from Religious Observance would be lower than that for advice on contraception, with the activity and potential consequences that they imply.

In our opinion it is a breach of children and young people's religious freedom to be forced to take part in religious observance as part of their compulsory attendance at school.

Scotland has been quick to recognise Human Rights for sexual minorities, yet seems sadly unwilling to respond to the recommendations of the experts at the UN and recognise that children progressively acquire Human Rights.

Could we ask you to amend the Act to implement the changes requested by the UN, and while the UN does not mention any age, if any age is included for the transfer to children of such rights that this is no later than the start of secondary school.

I would be happy to meet and discuss these issues with you or a member of your department.

Yours sincerely

Alistair McBay
Vice President

Appendix

Freedom of thought, conscience and religion

34. The Committee is concerned that pupils are required by law to take part in a daily religious worship which is "wholly or mainly of a broadly Christian character" in publicly funded schools in England and Wales, and that children do not have the right to withdraw from such worship without parental permission before entering the sixth form. In Northern Ireland and Scotland, children do not have right to withdraw from collective worship without parental permission.

35. The Committee recommends that the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school. [Emphasis in original]



[Redacted]

Mr Alistair McBay
Vice President
National Secular Society
5 Atholl Crescent
EDINBURGH
EH3 8EJ

Your ref:
Our ref: 2016/0022213
3 August 2016

Dear Mr McBay

Thank you for your letter to John Swinney MSP, Cabinet Secretary for Education and Skills about the UN Committee for the Rights of the Child – comments regarding Religious Observance in Scotland. Mr Swinney has asked me to thank you for your letter and to reply on his behalf.

The recent letter we sent to the Humanist Society Scotland refers to Religious and Moral Education (RME) and Religious Observance (RO) as distinct areas of education, albeit both underpinned by the same legislation in the form of the Education (Scotland) Act 1980. While the two aspects of school experience are different, it is important that schools approach both RME and RO in a fully inclusive manner, as stated in the Scottish Government's guidance on each.

Your letter refers specifically to RO and the right to withdraw from it. The existing legislation, in conjunction with Scottish Government guidance, gives a strong basis for schools to provide relevant, inclusive RO. While the statutory right to withdraw is afforded to parents rather than to children and young people, many schools will find it helpful and sensible to include young people in any discussions about opting out, ensuring their wishes are aired.

Arrangements in England and Wales are fundamentally different from those which are relevant in Scotland, as religious activities in schools take a different form and are governed by different legislation.

I understand that our colleagues in Education Scotland are very willing to meet with you to discuss issues relating to either RO or RME, and I would encourage you to contact Joe Walker to arrange this: joe.walker@educationscotland.gsi.gov.uk or 0131 244 5621.



Yours sincerely

[Redacted]

Deputy First Minister and Cabinet Secretary for
Education and Skills
John Swinney MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

F/T: 0300 244 4000
E: dfmcse@gov.scot

Mr Gordon MacRae
Humanist Society Scotland
Playfair House
6 Broughton Street Lane
EDINBURGH
EH1 3LY

Our ref: 2016/0034072
8th December 2016

Mr MacRae,

Thank you for your letter to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills about Religious Observance in Scottish schools.

Mr Swinney would be delighted to meet with you to discuss your concerns. Please contact me at dfmcse@gov.scot to make the necessary arrangements.

Yours sincerely,

[Redacted]



From: [Redacted]
Sent: 12 October 2016 13:28:34
To: Ministerial Correspondence Unit
Subject: FW: Letter FAO John Swinney

Attachments: LettertoJohnSwinney101016.pdf

Hi,

For MACCS, MR please.

Thanks,

[Redacted]

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[Redacted]

Sent: 10 October 2016 12:27
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Subject: Letter FAO John Swinney

Letter from Gordon MacRae, HSS Chief Executive.

Please find attached,

Thank you,

[Redacted]

[Redacted]

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Registered Address: Playfair House, 6 Broughton Street Lane, Edinburgh, EH1 3LY.

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John Swinney MSP
Deputy First Minister, &
Cabinet Secretary for Education and Skills

by email to: DFMCS@gov.scot

10/10/16

Dear Mr Swinney,

Religious Observance in Scottish schools

Reports in the *Motherwell Times* that up to 50 young people in Motherwell have been punished for not attending a religious service just serves to highlight the urgent need for reform of the outdated requirement for Religious Observance in Scottish state schools.

Humanist Society Scotland seeks to represent the views of people in Scotland who wish to lead ethical and fulfilling lives guided by reason, empathy and compassion. We provide a range of non-religious ceremonies and campaign for a secular state. HSS has over 14,000 members across Scotland.

On behalf of our members and supporters I would like to urge you to intervene personally to make sure that no more young people are punished for refusing to attend Religious Observance.

I would be very grateful for an opportunity to meet with you so that I can discuss our concerns in more detail.

Thank you,

Gordon

Gordon MacRae
Chief Executive, Humanist Society Scotland



We look forward to working with you and your colleagues over the course of the new Parliament.

Very best wishes.

Yours aye,

A handwritten signature in black ink, appearing to read "G MacRae".

Gordon MacRae
Chief Executive

Deputy First Minister and Cabinet Secretary for Education and Skills
John Swinney MSP

F/T: 0300 244 4000
E: dfmcse@gov.scot

Mr Gordon MacRae
Chief Executive
Humanist Society Scotland
Hayweight House
23 Lauriston Street
EDINBURGH
EH3 9DQ

Our ref: 2016/0018597
20 July 2016

Dear Mr MacRae

Thank you for your letter of 19 May to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills.

Unfortunately Mr Swinney is unable to meet with you at this time. He is aware of your work with Education Scotland and officials in Learning Directorate on resources to assist teachers with delivery of Religious and Moral Education and Religious Observance. He would encourage you to keep this important dialogue open.

Yours sincerely
[Redacted]

From: [redacted]
Sent: 15 February 2018 09:47:52
To: Public Engagement Unit
Subject: FW: Philosophy with Children

Attachments: Letter to JSwinney.docx

For MACCS please. Please ask officials to acknowledge and handle.
Thanks

[redacted] Assistant Private Secretary (Correspondence) to John Swinney MSP |
Deputy First Minister and Cabinet Secretary Education and Skills | Scottish
Government | St Andrew's House | Edinburgh | EH1 3DG | Ext 0131 244 [redacted]

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From [redacted]
Sent: 14 February 2018 15:21
To: Swinney J (John), MSP
<John.Swinney.msp@parliament.scotmailto:John.Swinney.msp@parliament.scot>>
Subject: Philosophy with Children

Dear Mr. Swinney,

In December your assistant wrote to my former student, [redacted], about meeting to discuss Philosophy with Children [redacted] as you were interested in my project about which she had written. [redacted] is part of a Philosophy with Children and Communities Network that I have established. Your assistant had contacted [redacted] to arrange a date to meet and I was also to attend the meeting. I am conscious that you are incredibly busy, so have not yet been able to arrange a date to meet.

Given the new round of PEF funding, some schools are looking to the potential impact of Philosophy with Children (PwC) as an approach to bridging the Attainment Gap. I am, for example, currently running a large project in a school in the East End of Glasgow with that in view.

I would very much welcome the opportunity to meet with you to discuss PwC in schools. I can briefly share some research findings from my work in this area, including: using PwC with in secure, residential accommodation; with children with emotional-behavioural difficulties and autism; as an approach to responsible citizenship; as a way of promoting meaningful Time for Reflection; as a tool for supporting children and young people's rights, notably the promotion of voice and participation; while also being a pedagogy that has shown a positive impact on teachers' practice. As a former teacher and with [redacted] as a practising teacher, we would very much like to highlight the ways in which PwC can support teaching and learning in Scotland's schools, and other educational contexts.

Sincere regards,

[redacted]

[redacted]

[redacted]

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[<http://www.strath.ac.uk/media/1newwebsite/commsoffice/THE2016.png>]

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14th February 2018

Dear Mr. Swinney,

In December your assistant wrote to my former student, [redacted], about meeting to discuss Philosophy with Children [redacted] as you were interested in my project about which she had written. [redacted] is part of a Philosophy with Children and Communities Network that I have established. Your assistant had contacted [redacted] to arrange a date and I was also to attend the meeting. I am conscious that you are incredibly busy, so have not yet been able to arrange a date to meet. Given the new round of PEF funding, some schools are looking to the potential impact of Philosophy with Children (PwC) as an approach to bridging the Attainment Gap. I am, for example, currently running a large project in a school in the East End of Glasgow with that in view.

I would very much welcome the opportunity to meet with you to discuss PwC in schools. I can briefly share some research findings from my work in this area, including: using PwC with in secure, residential accommodation; with children with emotional-behavioural difficulties and autism; as an approach to responsible citizenship; as a way of promoting meaningful Time for Reflection; as a tool for supporting children and young people's rights, notably the promotion of voice and participation; while also being a pedagogy that has shown a positive impact on teachers' practice. As a former teacher and with [redacted] as a practising teacher, we would very much like to highlight the ways in which PwC can support teaching and learning in Scotland's schools, and other educational contexts.

Sincere regards,

[\[redacted\]](#)

From: [Redacted]
Sent: 22 December 2017 10:58:07
To: Public Engagement Unit
Subject: FW: Letter to John Swinney

Attachments: John Swinney Letter December 2017.pdf

For MACCS please.

[Redacted]

From: Public Engagement Unit
Sent: 21 December 2017 09:31
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Subject: FW: Letter to John Swinney

Hello

Please see an e-mail for consideration and advice

[Redacted]

Sutherland [mailto:fraser@humanism.scot]
Sent: 21 December 2017 08:44
To: Scottish Ministers
Subject: Letter to John Swinney

Dear Scottish Government,

Please find attached joint letter from the following to John Swinney, Cabinet Secretary for Education:

Humanist Society Scotland
Scottish Youth Parliament
LGBT Youth Scotland
Scottish Alliance for Children's Rights

SCVO

Kind regards

[Redacted]

--

[Redacted]

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Humanist Society Scotland

Registered Address: Playfair House, 6 Broughton Street Lane, Edinburgh, EH1 3LY.

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John Swinney MSP
Cabinet Secretary for Education & Skills
Scottish Government
St Andrews House
Regent Road
Edinburgh
EH1 3DG

21st December 2017

Religious Observance Opt Out

Dear Cabinet Secretary,

We write as a coalition of organisations who uphold the UN Convention on the Rights of the Child. Firstly we welcome the commitment that the Scottish Government have made in the 2017-18 programme for government to:

“embed the principles of the UN Convention on the Rights of the Child into policy and legislation, including the option of full incorporation into domestic law.”

As part of this we ask for you to implement the right for children and young people to opt-out of religious observance in Scottish state schools.

As you are aware the United Nations Committee on the Rights of the Child have called on the Scottish Government to implement this change previously, as have others. Most recently in 2016 the UN committee’s fifth periodic review report stated:

“In Northern Ireland and Scotland, children do not have right to withdraw from collective worship without parental permission. The Committee recommends that the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school.”

This change also has broad public support with independent polling research carried out in September 2017, showing 67% of people in Scotland support respecting the right of children and young people to make their own choice regarding attendance at religious observance.

We would request that the Scottish Government make a statement at the earliest opportunity confirming that they will seek to implement this change and respect children and young people’s right to choose in line with your commitment to the UN Convention on the Rights of the Child.

Yours Sincerely,

Amy-Lee Fraoli: Chair, Scottish Youth Parliament
Gordon MacRae: Chief Executive, Humanist Society Scotland
Fergus McMillan, Chief Executive, LGBT Youth Scotland
Liz Millership: Director, Scottish Alliance for Children’s Rights
John Downie: Director of Public Affairs, Scottish Council for Voluntary Organisations





[Redacted]

Mr Fraser Sutherland
Campaigns and Communications Manager
Humanist Society Scotland

Copy:
Scottish Youth Parliament
LGBT Youth Scotland
Scottish Alliance for Children's Rights
SCVO

Our ref: 2017/0046699
7 February 2018

Dear Mr Sutherland

Thank you for your letter of 21 December 2017 addressed to the Deputy First Minister and Cabinet Secretary for Education and Skills. I have been asked to respond on Mr Swinney's behalf.

As you are aware, revised guidance on Religious Observance was issued on 27 March 2017. The main revision was to improve the guidance on considering the views of children and young people in decisions about exercising the parental right of withdrawal from Religious Observance.

The Programme for Government 2017-18 commits to undertaking a comprehensive audit on the most effective and practical way to further embed the principles of the UN Convention on the Rights of the Child into policy and legislation, including the option of full incorporation into domestic law. The audit will look across the full range of legislative and delivery issues relevant to children's rights and the principles underpinning the UNCRC. The exact timescale for the audit will depend on the issues identified and Ministers will update Parliament during 2018 on their progress in considering how to give better and further effect to the UNCRC.

You may wish to meet with the relevant Scottish Government officials in order to share your perspective in greater detail. If so, we would be happy to arrange to meet at a mutually convenient time. Please email [redacted] [redacted] [redacted] ([\[redacted\]@gov.scot](mailto:[redacted]@gov.scot)) with available dates in February/March.

Yours sincerely

[Redacted]



From: [redacted]
Sent: 12 July 2017 09:50:34
To: Public Engagement Unit
Subject: FW: Resist the Humanist Society of Scotland is Attempts to Undermine the Teaching Authority of Parents

For MACCS please. DFM is on leave until the 21st July and has not seen this correspondence. Please process as normal and I will let you know if DFM has any additional comments.

Thanks

[redacted]

[redacted] Assistant Private Secretary (Correspondence) to John Swinney MSP | Deputy First Minister and Cabinet Secretary Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | Ext 0131 244 [redacted]

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From: [redacted] On Behalf Of [redacted]
Sent: 10 July 2017 17:34
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Subject: [redacted]

For the Attention of Mr John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education

Dear Mr John Swinney,

[redacted]

[redacted] has been prompted in part by the UN Children's Rights Committee review earlier this year which recommended that 'the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school.'

Recognising parents as the primary educators of their own children, and recognising that the state exists to assist parents in this task, I wish to let you know my support for the current position of the Scottish Government regarding religious observance at school.

Parents are entitled to raise their children within their own tradition, religious or otherwise, and should be able to send their children to a school which reflects that tradition.

As parents are currently allowed to withdraw their children from religious observance at school but children themselves are not permitted to make this choice, the state is currently respecting and recognising the rights of parents as the primary educators of their own children.

No change is needed as parental rights are currently respected and once a child reaches maturity, he or she is able to participate in religious observance to whatever degree he or she pleases.

I urge you therefore to do all that you can to ensure that the parental right to raise one's child within one's own tradition is maintained, and that the Scottish Government does not undermine this right by permitting children to dissent from their parental wishes.

Sincerely,
[redacted]

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T: 0131-244 [redacted] F: 0131-244
[redacted]
E: [redacted]

[redacted]

By email - [redacted]

Our ref: [redacted]
13 July 2017

Dear [redacted]
[redacted]

There is no legal requirement in Scotland for schools to 'hold acts of collective worship'; instead the terms 'Religious Observance' (RO) or 'Time for Reflection' are used in statute and guidance. Education Scotland guidance on Religious Observance (Time for Reflection) explains how effective Religious Observance may take a variety of forms and need not include worship at all.

There is a very fine line between religious observance and an act of worship, and indeed there may be instances where the two go hand in hand, so perhaps it is understandable that there is some confusion. The Religious Observance Review Group discussed this and agreed that 'worship is a free response of an individual and community to what is considered worthy of worship. This response involves three elements: belief in the reality of the focus of worship, desire to offer worship to the focus of worship and the commitment of life stances related to the focus of worship. An organised act of worship is based on the assumption that those present share these elements. Religious Observance does not assume these elements.'

The Scottish Government agrees that parents and carers are the most important influence throughout a child's education, and that parental involvement in learning makes a real difference to a child's achievements. Everyone benefits (children, parents and teachers) when parents and schools work effectively together to support learning.

As you note, the current position in Scotland as set out in section 9 of the Education (Scotland) Act 1980, gives parents a right to withdraw their child from religious observance in local authority schools and grant-aided schools. There is no equivalent statutory right to withdraw afforded to children and young people, however it would be considered good



practice in schools to include young people in discussions with parents about any decision on non-participation.

I hope this is helpful but please get back to me if you have any other questions.

Yours sincerely

[redacted]

From: [redacted]
Sent: 26 July 2017 12:52:48
To: Public Engagement Unit
Subject: [redacted]

For MACCS please.

[redacted] Assistant Private Secretary (Correspondence) to John Swinney MSP | Deputy First Minister and Cabinet Secretary Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | Ext 0131 244
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From: [redacted] Sent: 22 July 2017 03:57
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Subject: [redacted]

For the Attention of Mr John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education

Dear Mr John Swinney,

As I'm sure you are aware, the Humanist Society of Scotland (HSS) has recently launched a legal challenge to the Scottish Government's decision not to allow pupils to opt themselves out of religious observance at school.

The action of the HSS has been prompted in part by the UN Children's Rights Committee review earlier this year which recommended that 'the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school.'

Recognising parents as the primary educators of their own children, and recognising that the state exists to assist parents in this task, I wish to let you know my support for the current position of the Scottish Government regarding religious observance at school.

Parents are entitled to raise their children within their own tradition, religious or otherwise, and should be able to send their children to a school which reflects that tradition.

As parents are currently allowed to withdraw their children from religious observance at school but children themselves are not permitted to make this choice, the state is currently respecting and recognising the rights of parents as the primary educators of their own children.

No change is needed as parental rights are currently respected and once a child reaches maturity, he or she is able to participate in religious observance to whatever

degree he or she pleases.

I urge you therefore to do all that you can to ensure that the parental right to raise one's child within one's own tradition is maintained, and that the Scottish Government does not undermine this right by permitting children to dissent from their parental wishes.

Sincerely,
[redacted]

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T: 0131-244 [redacted] F: 0131-244
[redacted]

E: [redacted]

[redacted]

By email - petitions@citizengo.org

Your ref:
Our ref: [redacted]
26 July 2017

Dear [redacted]

[redacted]

There is no legal requirement in Scotland for schools to 'hold acts of collective worship'; instead the terms 'Religious Observance' (RO) or 'Time for Reflection' are used in statute and guidance. Education Scotland guidance on Religious Observance (Time for Reflection) explains how effective Religious Observance may take a variety of forms and need not include worship at all.

There is a very fine line between religious observance and an act of worship, and indeed there may be instances where the two go hand in hand, so perhaps it is understandable that there is some confusion. The Religious Observance Review Group discussed this and agreed that 'worship is a free response of an individual and community to what is considered worthy of worship. This response involves three elements: belief in the reality of the focus of worship, desire to offer worship to the focus of worship and the commitment of life stances related to the focus of worship. An organised act of worship is based on the assumption that those present share these elements. Religious Observance does not assume these elements.'

The Scottish Government agrees that parents and carers are the most important influence throughout a child's education, and that parental involvement in learning makes a real difference to a child's achievements. Everyone benefits (children, parents and teachers) when parents and schools work effectively together to support learning.

As you note, the current position in Scotland as set out in section 9 of the Education (Scotland) Act 1980, gives parents a right to withdraw their child from religious observance in local authority schools and grant-aided schools. There is no equivalent statutory right to withdraw afforded to children and young people, however it would be considered good



practice in schools to include young people in discussions with parents about any decision on non-participation.

I hope this is helpful but please get back to me if you have any other questions.

Yours sincerely

[redacted]

From: [redacted]
Sent: 18 April 2017 18:14:13
To: scottish.ministers@gov.scot
Subject: PROVISION OF RELIGIOUS OBSERVANCE IN SCOTTISH SCHOOLS

To whom it may concern, john swinney preferably, my name is [redacted] in a [redacted] and every month or two and all around the big christian holidays we are all crammed into the hall where some guy in the checked shirt and jeans instead of a dog collar to make it look cool stand up on stage and tell us about the story or Christ from is "virgin birth" to the miracle rise from the tomb after forgiving the sins of man, its a truly touching story, despite its falsehood as far as im concerned but i attend a non-denominational school where i shouldn't have to listen to this taught as fact to a school of children many of whom dont care and simply dont believe in a god who in order to forgive man had to kill his son. Ever time i go to the school about this issue i get "ooh there is some law about it we have to make sure services happen" i looked it up and the provision of religious observance in Scottish schools in the bill they are referring to, passed in 2005, its simply an outdated and honestly ridiculous law based on evidence from previous census data and used to promote christian propaganda in schools where it doesn't belong its a disgrace and i understand that the government have a lot on their plate currently especially with big Theresa springing that snap election on you even though she promised she wouldn't, classic Tory but any-who i just wanted to express by disgust at this law and desire to have to changed, repealed or superseded even to provide optional!!! services mandatory for all religions, despite my not overly high hopes for change to happen, whats the harm in giving it a go.

Sincerely,[redacted]

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religion, nor because they have been withdrawn from these programmes. There is no statutory right to withdraw afforded to children and young people. However schools should include children and young people in any discussions about aspects of their school experience, ensuring their views are taken into account.

The Scottish Government guidance of 2011 to which you refer has been revised to take into consideration the views of young people in deciding whether to withdraw from RO is available at the following weblink: <http://www.gov.scot/Resource/0051/00516155.pdf>

I hope this information is helpful but please get back to me if you have any further questions.

Yours sincerely

[redacted]

[redacted]

RECEIVED 13 FEB 2017

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[redacted]

6 February 2017

John Swinney, MSP
Cabinet Secretary for Education and Skills
T4.23
The Scottish Parliament
Edinburgh
EH99 1SP

Dear Mr Swinney,

[redacted]

I am writing to you on behalf of the above. A group of people of mixed ages who have an interest in what happens in our local schools, and who pray for them.

We meet fortnightly on Monday mornings during school terms, to pray for teachers and other staff, as well as all the pupils. There are five primary schools and one secondary school in [redacted]

As well as praying for the schools, we pray for wisdom, understanding and clear professional guidance for yourself and those who advise you as you plan and oversee the education system in Scotland.

[redacted] It is part of our Scottish heritage to teach our children the biblical principles which are incorporated in the words upon the Mace in the Scottish Parliament – Wisdom, Justice, Compassion and Integrity.

Thank you for your leadership in education in Scotland, we look forward to seeing days of great things happening in all the schools in Scotland - where headteachers and all their staff are able to use their skills and abilities to care for, value, respect and educate each child whatever their status and background may be.

Yours sincerely

[redacted]



T: 0131-244 [redacted] F: 0131-244
[redacted]E: c[redacted]

[redacted]

Your ref:
Our ref: 2017/[redacted]
6 April 2017

Dear [redacted]

Thank you for your letter of 6 February to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills, [redacted]. I have been asked to reply on Mr Swinney's behalf.

The Scottish Government currently has no plans to change its policy on Religious Observance in schools. We have just published some revised guidance on this for schools to use in planning and delivering RO experiences for young people in schools. This guidance sets out how Ministers believe RO contributes to young people's learning and development and how it can successfully be done so as to recognise and respect participants of all faiths and none. The text below is at paragraph nine.

"Scotland is a society with a longstanding Christian tradition. However, Scotland has for many generations also been home to other faith and belief traditions, never more so than at present. Scotland remains a country where people continue to be welcomed and we can expect Scotland to become increasingly diverse in the range of faith and belief traditions represented. RO in schools needs to be developed in a way which reflects and understands this diversity. It should be sensitive to our traditions and origins and should seek to reflect these but it must equally be sensitive to individual spiritual needs and beliefs, whether these come from a faith/belief or non-faith perspective."

<http://www.gov.scot/Topics/Education/Schools/curriculum/ReligiousObservance>

Yours sincerely

[redacted]

Cidhe Bhictòria, Dùn Èideann, EH6 6QQ
Victoria Quay, Edinburgh EH6 6QQ
www.gov.scot



From: [redacted]
Sent: 15 November 2016 16:25:04
To: Public Engagement Unit
Subject: FW: [redacted]
Undermine the Teaching Authority of Parents

Hi,

For MACCS, OR please.

Thanks,

[redacted]

[redacted]|Assistant Private Secretary (Correspondence) to John Swinney MSP | Deputy First Minister of Scotland and Cabinet Secretary for Education and Skills | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | T: 0131 244 [redacted] | E: DFMCSSE@gov.scot<mailto:DFMCSSE@gov.scot>

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From:[redacted] Sent: 09 November 2016 22:13
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Subject: [redacted]

For the Attention of Mr John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education

Dear Mr John Swinney,

[redacted]

[redacted]prompted in part by the UN Children's Rights Committee review earlier this year which recommended that 'the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school.'

Recognising parents as the primary educators of their own children, and recognising that the state exists to assist parents in this task, I wish to let you know my support for the current position of the Scottish Government regarding religious observance at school.

Parents are entitled to raise their children within their own tradition, religious or otherwise, and should be able to send their children to a school which reflects that tradition.

As parents are currently allowed to withdraw their children from religious observance at school but children themselves are not permitted to make this choice, the state is currently respecting and recognising the rights of parents as the primary educators of their own children.

No change is needed as parental rights are currently respected and once a child reaches maturity, he or she is able to participate in religious observance to whatever degree he or she pleases.

I urge you therefore to do all that you can to ensure that the parental right to raise one's child within one's own tradition is maintained, and that the Scottish Government does not undermine this right by permitting children to dissent from their parental wishes.

Sincerely,
[redacted]

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T: 0131-244 [redacted]
E: [redacted]@gov.scot

[redacted]

Your ref:
Our ref: 2017/[redacted]
19 December 2017

Dear [redacted]

Thank you for your email of 27 October to John Swinney MSP, Cabinet Secretary for Education and Skills about [redacted]. Mr Swinney has asked me to thank you for your email and to reply on his behalf. Please accept my apologies for the delay in getting back to you.

Mr Swinney has asked me to arrange a meeting with you to discuss your report. I would be grateful if you could email me some dates that you are available from the second week in January.

Thank you and I look forward to hearing from you.

Yours sincerely

[redacted]

[redacted]

From: [Redacted] 17:46:34
To: Public Engagement Unit
Subject: FW: Philosophy with children and young people

For MACCS please. DFM has noted we should engage with [Redacted] but this is not for him to do.

Thanks,
Grant

From: [Redacted]
Sent: 27 October 2017 09:52
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Subject: Philosophy with children and young people

Dear Mr. Swinney,

I am interested in organising an event at the Scottish Parliament to raise awareness of teaching philosophy to children and young people in Scotland. I have been advised by Public Information and Resources to contact an MSP who I believe may be interested in sponsoring the event. This would involve a brief overview and facilitating a practical philosophy session with a small group of MSPs on National Philosophy Day, Thursday 16th November. It should last approximately 1 hour and 30 minutes.

I am a qualified primary teacher, fully registered with the General Teaching Council for Scotland. I have taught philosophy to pupils and parents using the Community of Philosophical Inquiry (CoPI) method in primary schools in both Scotland and England and for two years in an international school in Rome.

I received a PgCert in Philosophy with Children from The University of Strathclyde in 2012 and a MLitt in Philosophy from The University of Glasgow in 2014. I am co-author of the research article *Fostering citizenship in marginalised children through participation in Community of Philosophical Inquiry*, published in the peer-reviewed journal *Education, Citizenship and Social Justice*. A related article, *Philosophy with children, self-regulation and engaged participation for children with emotional-behavioural and social communication needs*, was recently published by Routledge.

I would be happy to meet to discuss this proposal in more detail.

Kind Regards

[Redacted]
