

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

**23<sup>rd</sup> February 2017**

## **Response from the Scottish Catholic Education Service to Consultation on Religious Observance**

*The Scottish Catholic Education Service is an agency of the Catholic Bishops' Conference of Scotland. Its interests relate to all aspects of education, in particular the education of children and young people in Catholic schools. It works with parents, teachers, young people, local education authorities, local and national government officials and elected representatives. This response is made on behalf of the Catholic Church in Scotland at the request of the Scottish Government Learning Directorate.*

The Scottish Catholic Education Service (SCES) thanks the Scottish Government for the opportunity to provide a written submission regarding the proposed changes to the Religious Observance (RO) guidance.

SCES is in agreement with Scottish Government's guidance that RO has an important part to play in the development of the learner (para.9) and complements other aspects of learning, while also promoting the ethos of the school by bringing pupils together and creating a sense of community (para.19). For Catholic denominational schools this ethos reflects the shared vision, values and aims relevant to the school and its community<sup>1</sup> and has the traditions, beliefs and faith practices of the Catholic Church at its heart. This vision is supported by parents, who actively choose Catholic schools for their children. The Catholic Church understands Religious Observance as being integral to the delivery of the mission, aims and values of the Catholic school.

RO is one of the ways in which "learners are supported to understand the vision, aims and values (of the school) through the four contexts for learning" and therefore plays a vital role in ensuring that the school community has ownership of the overall vision. (HGIOS 4: 1.3 Leadership of change)

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<sup>1</sup> [http://dera.ioe.ac.uk/24496/1/HGIOS4\\_tcm4-870533\\_Redacted.pdf](http://dera.ioe.ac.uk/24496/1/HGIOS4_tcm4-870533_Redacted.pdf) 1.3 Leadership of Change

As stated in the Scottish Government advice letter of 21 February 2011, RO has an important part to play in fulfilling the aims of Curriculum for Excellence, in educating the whole child and in preparing them to make a valuable contribution to society. Through RO young people develop skills and attributes that allow them to mature in their understanding of the “dignity and worth of each individual and their contribution to the school and wider communities.” (para 8 21/2/2011- Letter: Curriculum for Excellence- provision of religious observance in schools)

The Catholic Church view RO as being integral to the wellbeing of pupils as it helps in the delivery of learning that broadens and deepens an understanding of what it means to be nurtured, respected, responsible and included. The Children and Young People (Scotland) Act 2014 states that it is a duty (of every corporate parent) to “promote the interests of children and young people” and to “seek to provide those children and young people with opportunities to participate in activities designed to promote their health and wellbeing” (CYPSA 2014 para 50, 1 c and d). The definition of wellbeing within the Act includes the extent that children and young people are being, “Nurtured, Respected, Responsible and Included”. For Catholic schools this definition sits comfortably with the understanding that wellbeing includes a Spiritual dimension, including an opportunity for faith development and formation.

The act goes on to say that, within local authorities, “functions should be exercised...in a way which is designed to safeguard, support and promote their wellbeing” (CYPSA 2014 para 95 (2) ) Furthermore, the Act states that assessment should be made as to whether the opportunities to enhance the wellbeing of a child or young person is being “promoted, safeguarded, supported, affected to subject to an effect” (CYPSA 2014 para 96). Catholic schools therefore consider that opportunities for RO should also be promoted, safeguarded and supported and would take seriously any changes that would limit these opportunities.

As with all areas of the formal and informal curriculum, RO is carefully planned within schools and reflects the ethos of the school, helping to build a sense of identity and community. In Catholic schools RO takes a variety of forms and is the result of active collaboration of staff, pupils, parents, chaplains and members of the wider community. RO is delivered in such a way that children of all faiths and none are able to participate, contribute or be present in unity with their peers, as part of a wider school community. All those involved in the preparation of RO endeavour to ensure that each opportunity for prayer, reflection or celebration of the liturgy is something purposeful for all those present. Roman Catholic schools continue to develop Religious Observance experiences as a way to support the spiritual development of all pupils. As with all faith formation in a Catholic school, teachers and school leaders recognise that individuals are at different places in their personal faith journeys and they respect other faith traditions and denominations. Staff are sensitive to the various faith backgrounds within the school and deliver RO in ways which are accessible to all.

- For Catholic children RO is one of the ways in which they learn about and through their own faith;
- For Christians of other denominations within a Catholic school RO contributes to their knowledge and understanding of the Catholic faith and provides opportunities to deepen their own faith;
- For learners of other faiths, RO promotes an understanding of Christian belief and offers opportunities to reflect on their own spiritual development;
- For all other learners, RO promotes respectful understanding of religious faith in general, Christian faith in particular, and supports personal spiritual development.

Therefore, the role of RO in a Catholic school is not simply to deliver forms of prayer and worship within a school, but is integral to delivering the mission and vision of a school – an area highlighted in HGIOS 4 as a theme for development of excellence. For a Catholic school that will therefore take on the traditions and characteristics of Church liturgy and practices, with children of all faiths and none benefitting from participation in these celebrations of the ‘nature’ of the school.

Catholic schools are sensitive to the right of parents to withdraw their children from RO, as a matter of conscience and not simply as a matter of preference, and make this clear through their school literature. However, Scottish Government and Local Authorities recognise that, where parents choose a Catholic school, they are opting in to the school’s ethos which is centred on the beliefs, values and practices of the Roman Catholic Church. By its nature RO in a Catholic school will be shaped by the Liturgical Year and Traditions of the Church and include activities in the classroom, the wider school and within the local community. It is therefore recognised that, within a denominational school, “it is more difficult to extricate a pupil from all experiences which are influenced by the school’s faith character” (para 17 21/2/2011- Letter: Curriculum for Excellence- provision of religious observance in schools).

RO contributes to the development of a diverse Scotland. It is a time within the life of a school where we reflect the reality of wider society. It is a time when people of all religions and none are present together, in a unified way as a broad school community, recognising and respecting the beliefs of the other, learning from those beliefs and in turn maturing in our own personal beliefs and practices. Catholic schools would hope that all children, no matter what their religious belief or practice, would benefit from participation in planned RO experiences for all the reasons stated above.

Should the Scottish Government extend the right to withdraw from RO, as a matter of conscience to pupils, Catholic school leaders would hope pupils would continue to see the positive benefits of participating in experiences that reflect their school community’s beliefs have for their future role within Scottish society. The Church would also hope that pupils would continue to feel that RO was purposeful and relevant as a way of expressing the

mission of their school community and as a way of contributing to their personal and spiritual development.

If you would like further comment, or clarification of any of the points made within this response, please do not hesitate to contact me.

[Redacted]

Director, Scottish Catholic Education Service

### **Specific Points relating to the proposed revision of guidance for “Provision of Religious Observance In Schools”**

#### **Suggested Addition Paragraph 5:**

“For example, in a non denominational school, the use of the title ‘Time for Reflection’ might be considered more appropriate by the school community. [In a denominational school it is common practice to refer to ‘time for prayers’.](#)”

#### **Suggested Addition Paragraph 16:**

We consider that safeguards have to be included to ensure that the right to withdraw remains, as is stated in the 1980 act, solely on grounds of conscience and therefore suggest:

- how a parent can arrange for a pupil to be withdrawn from RO [on grounds of conscience](#)

#### **Suggested Addition Paragraph 18:**

“There is a statutory provision in section 9 of the 1980 Act for parents to withdraw their children from participation in RO on [grounds of conscience](#).”

#### **Suggested change of term Paragraph 20:**

“However schools should include young people in any discussions about aspects of their school experience, ensuring their wishes are taken into account. Doing so is in line with the Children and Young People (Scotland) Act 2014...”

We would like to suggest that the word ‘wishes’ be replaced with the term ‘views’ as this would more accurately reflect the terminology within The Children and Young People (Scotland) Act 2014. This clarifies that the school has “regard to the rights, interests and views of children and young people in making decisions”.

#### **Clarification sought re Paragraph 20:**

The proposed revision states that “schools should include young people in any discussions about aspects of their school experience, ensuring their wishes are taken into account”.

We would seek clarification of this statement. Are schools expected to ensure that pupils' wishes are taken into account regarding their participation or withdrawal from all aspects of school life? Does this include if they insist that they do not wish to attend or participate in certain subjects, whole school events, or other purposeful planned learning? How will this be managed and resourced by schools? What is the definition or scope of a pupil's 'wish'?

In particular reference to RO, the Catholic Church and the leaders of Catholic schools would welcome clarification as to what would constitute a young person legitimately withdrawing as a matter of conscience from RO.

School leadership teams are sensitive to the views of pupils and would welcome guidance on the management of situations that may occur, to ensure that the right to withdraw is being consistently applied. For example, experiences where a pupil 'wishes' to participate in one form of RO, such as an assembly, class prayer or charitable act and does not feel that this is contrary to their conscience, but not in a whole school celebration of Mass.

In addition, the Church and school leaders would seek clarification of how withdrawal from RO will be resourced and managed. For example, a whole school event where a member of staff may be disadvantaged from celebrating with the whole school community to supervise a child who has chosen to withdraw, or in a classroom environment when prayers are being said before lunch and a pupil wishes to withdraw.

#### **Suggested change of term Paragraph 21:**

The current guidance states clearly that parents 'choose a denominational school' and with this choice they 'opt-in to the school's ethos and practice which is imbued with religious faith and religious observance'. Catholic school leaders share the vision, aims and values of their school at the time of enquiry and enrolment of pupils. At the time of enrolment Catholic school leaders would like to be supported through the guidance to be able to express that, due to the nature of planning of the curriculum in a Catholic school - where RO forms a part of the daily cycle, especially within primary school- it is not just difficult to extricate a pupil, it is sometimes impossible. We would therefore suggest:

“In denominational schools, it is therefore [often impossible](#) to extricate...”

#### **Suggested change of term Paragraph 22:**

Paragraph 22 seems to contradict Paragraph 19, where it states that RO is “an important part of a pupils' development'. If RO is an important part of development it therefore follows that to be withdrawn from RO will immediately disadvantage a pupil. Therefore we would suggest that the wording is changed to:

“In no circumstances should a child be penalised as a result...”

**Suggested addition to Paragraph 23:**

“where a school is continuous with a faith community (such as in a denominational school) forms of worship from within that tradition may be considered...”



## Official Response

**SUBJECT:** Religious Observance – Scottish Government consultation on guidance  
**REQUESTED BY:** The Scottish Government  
**DATE:** 24 February 2017  
**SUBMITTED BY:** [redacted]

The Education Committee of the Church of Scotland is grateful for the opportunity to respond to the Scottish Government's consultation on revisions to the guidance on Religious Observance in Schools.

The Church of Scotland has long held the view that high quality well led, inclusive and innovative Time for Reflection / Religious Observance helps young people to develop their emotional wellbeing, communicate their values and beliefs and understand what it means to have respect for others. Perhaps most importantly such Time for Reflection / Religious Observance enables young people to develop informed ethical views of complex issues and nurture their resilience in ways that no other part of the curriculum offers.

Within this response the Committee has focussed its attention on the four main areas of revision that are being suggested. The Committee has not sought to comment on the minor revisions relating to renumbering, formatting and nomenclature, taking these to be self-explanatory in nature.

### Proposed revisions:

#### **1. Setting guidance in revised, updated context, including reference to other important pieces of information about Religious Observance (RO).**

The Committee perceive this updated context to be helpful in situating Religious Observance within the most up to date legislation and guidance. The Committee accept this as a positive step in ensuring that Time for Reflection / Religious observance within schools is clearly situated within the national framework for Scottish Education as it progresses.

#### **2. Clarity about the definition of RO and that Time for Reflection is equally valid terminology.**

In 2014 the General Assembly of the Church of Scotland passed the following section of deliverance:

*“Urge the Scottish Government to change the name of Religious Observance (RO) to Time for Reflection to better reflect current practice in schools following its 2005 guidelines and 2011 letter which encouraged the use of that or other appropriate titles to increase a sense of inclusivity in Religious Observance events.”*

(General Assembly 2014, Church and Society Council report, section 74 of the Deliverance)



The Church of Scotland

Church and Society Council

While the Church is entirely supportive of the value of Time for Reflection / Religious Observance within Schools we acknowledge that the term “Religious Observance” can at times be a barrier to the participation of certain groups and individuals. The suggested broadening of the terminology to include “Time for Reflection”, therefore, may help schools to ensure the full and inclusive participation of all concerned and enable schools to further embed the practice within their life and work.

### **3. Importance of schools communicating effectively about their RO plans.**

The Church of Scotland is supportive of measures that will ensure that learners and parents are fully informed about the educational activities that the School delivers. As Religious Observance remains an activity that Schools are statutorily required to deliver we see it as proper that it should be subject to such communication. By explaining the practice effectively in this way we would hope that parents and learners alike could have greater engagement with the Time for Reflection / Religious Observance that is delivered in their schools.

### **4. Clarity about the relevance of young people’s own views in any discussions about withdrawal from RO.**

The Committee is supportive of there being a mechanism for withdrawal from Time for reflection and of that mechanism taking into account the views of the young person in question. It is the experience of the Committee that where Time for Reflection / Religious Observance is delivered in an inclusive, innovative way, in collaboration with the young people involved, there is little if any objection to participation. If individuals are withdrawing from Time for Reflection / Religious Observance as a result of poor practice the Committee would expect the school to take action to ensure that the situation is rectified.

We trusts that this information is of assistance to the committee and would be very happy to provide any further information, for example, case studies of effective Time for Reflection/Religious Observance if the committee would find that to be of assistance.

[redacted]

**Convener of the Education Committee of the Church of Scotland**



# the National Parent Forum of Scotland

## **Religious Observance – Scottish Government consultation on guidance**

We welcome the Government's attempts to try and address issues that have arisen regarding the current guidance. The National Parent Forum of Scotland recognises that many parent bodies in Scotland have extremely polarised views on the topic of Religious Observance and have been sensitive to this range of feeling when making this submission.

We wish to make the following points:

School handbooks are not an entirely reliable way to communicate with parents. Preliminary findings from our review of the Scottish Schools (Parental Involvement) Act 2006 (due for publication in May 2017) have found that parents prefer to receive information directly, rather than through indirect information that they have to seek out. Whilst School handbooks are a valuable resource, RO information within would fall into the indirect category. Handbooks are only issued at most once a year, and are usually received once in a school life prior to P1 and S1, and any revisions made are often not communicated effectively to parents. Unfortunately, whilst the 2012 School Handbook Guidance recommends that schools consider involving Parent Councils in the handbook development the NPFS has found that this recommendation is not consistently being put into practice. We would like to see a more comprehensive revision in the Communication section (Points 16/17) to encourage more thorough communication with parents.

We agree with Point 12 that there should be a clear distinction between assemblies devised for the purpose of RO and assemblies for other purposes, but would seek some clarity about how this is communicated to parents.

Whilst we welcome Point 20 that schools should include young people in any discussions about aspects of their school experience, the revised guidance does not say at what stage children's views will be considered and how much weight will be given to them. We feel this clarity would be welcomed.

Parents are concerned about the management of children who are withdrawn from RO. We would seek that the suitable arrangements for these children mentioned in Point 20 are clearly communicated to parents.

The NPFS would advise that communications with parents and their children on the topic of RO be treated with the utmost sensitivity. The parent body should not be treated as a singular entity in this case due to the vast range of personal feelings and potentially divisive opinions held.

**From:** [sptc](#)  
**To:** [\[redacted\]](#)  
**Cc:** [\[redacted\]](#)  
**Subject:** Religious Observance – Scottish Government consultation on guidance - response from SPTC - feb 2017  
**Date:** 23 February 2017 22:37:44  
**Attachments:** [image001.jpg](#)

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Dear [redacted]

Thank you for contacting us and asking for our views regarding the proposed revisions to guidance on religious observance.

We have previously commented on the issue of religious observance and how parents should be consulted on how it should be delivered in school.

We are content with the clarification the proposed amendments gives, that young people should also be involved in the decision making, particularly as they become adults. We particularly believe that the diverse nature of Scottish society should be reflected in religious observance, shaped by the views of young people and their families.

I hope this is helpful to you: please contact me if we can provide any further information

Kind regards

[redacted]

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**From:**[redacted]  
**Sent:** 21 December 2016 11:51  
**To:** [redacted]  
**Subject:** Religious Observance – Scottish Government consultation on guidance

Dear [redacted]

Following our letter of 3 November about our intention to consult, we are now writing to ask for your views on revisions to the Scottish Government's guidance on Religious Observance.

This is not a review of the legislative provisions underpinning the provision of Religious Observance in schools, neither does it mark a shift in Scottish Government policy.

The proposed 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.

Please find attached to this letter a note of the proposed changes and the reasons for them.

Please also find attached a copy of the 2011 Religious Observance guidance letter showing the proposed changes in context.

We would appreciate any comments you may have on these proposed revisions, and would be grateful if you could reply to us on this by 24 February 2017.

Please feel free to contact us with any questions you may have about this request.

Yours sincerely

[redacted]



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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo le gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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[redacted]

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

Dear [redacted]

I would like to thank you for the opportunity to feedback to The Scottish Government on the proposed revisions to the guidance on delivery of Religious Observance within schools.

The SJCRME (Scottish Joint Committee for Religious and Moral Education) exists to support Religious and Moral education (RME) across Scotland. We are an organisation made up of representatives from religious and belief groups and teaching organisations from across the nation and we work together to ensure that RME remains a high quality experience for all learners. We also aim to provide support for individuals or groups to ensure that RME remains a relevant and important part of the whole school experience and curriculum.

The SJCRME recognises the place and importance of RO within the wider life of the school and the opportunities it allows for young people to engage in activities related to promoting the schools values and to allow young people to celebrate shared values.

The SJCRME recognises that RO can take many forms and it also would encourage schools to engage in exploration of how this can be delivered in a way to best meet the needs of the school and all learners within the school community. Through engaging in work to support local foodbanks, commemorating Remembrance Day or Holocaust Memorial Day and also special festivals of significance to the school community such as Christmas or Diwali, RO can allow young people to develop their understanding whilst at the same time sharing experiences and celebrating difference.

In relation to the proposed revisions being made to the guidance, the SJCRME would like to make the following comments:

*PROPOSED REVISION ONE*

We accept this revision and acknowledge the importance of making sure that any guidance now sits in line with the national framework and legislative guidance.

*PROPOSED REVISION TWO*

The SJCMRE accepts that RO can take many forms and as such the phrase Time for Reflection would better reflect the wide and broad nature of what RO truly is and can encompass the wide range of beliefs and events that could be shared under the banner of RO or Time for Reflection.

We would also suggest that the use of this terminology may help schools to further embed RO within the wider life of the school and to embrace the opportunities it may bring.

*PROPOSED REVISION THREE*

The SJCRME would accept this revision and recognises the importance of communication with parents. Open and honest communication is important and allows for a fuller understanding of what RO or Time for Reflection truly is. The SJCRME would recognise the good practice of schools where this occurs.

*PROPOSED REVISION FOUR*

The SJCMRE would suggest that it is good practice for schools to engage in dialogue with young people and parents about the nature of RO or Time for Reflection. Such practice, and the associated improved understanding will, we envisage ensure that any concerns can be freely and openly discussed and the quality of RO greatly improved. The SJCRME would also recognise the importance of giving children and young people a sense of ownership in the process of developing RO programmes. By allowing children and young people to be part of the planning process there is a far greater likelihood that RO will reflect the needs and values of the school community.

The SJCRME accepts these recommendations and would reiterate its support for the place of RO (Time for Reflection) in Scottish Schools. We would encourage the development of a body of good practice to exemplify the wide and varied nature of RO programmes across the country to further support schools to understand how to embed approaches to RO (Time for Reflection) that allow all young people to take part and feel valued in this time for the celebration of shared values.

Should you have any further questions then please do not hesitate to get back in touch directly with myself.

Yours sincerely

[redacted]

**From:** [Redacted]  
**To:** [Redacted] [Deputy First Minister and Cabinet Secretary for Education and Skills](#)  
**Cc:** [Redacted]  
**Subject:** Religious Observance - Humanists Judicial Review - Consultation on revised SG guidance - documents issued and consultee list - december 2016  
**Date:** 21 December 2016 12:00:00  
**Attachments:** [Religious Observance - Scottish Government consultation on guidance - draft revisions in full.pdf](#)  
[Religious Observance - Scottish Government consultation on guidance - explanatory note for consultees.pdf](#)  
[Religious Observance - Scottish Government consultation on guidance - consultee list.pdf](#)  
**Importance:** High

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Dear all

Please be aware we have today issued the attached documents on the Religious Observance consultation. I have also attached the consultee list for information.

Consultation closes on 24 February 2017.

If you have any queries please do not hesitate to get in touch.

Best wishes

[Redacted]

[Redacted]

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**From:** [Redacted]  
**Sent:** 14 December 2016 13:24  
**To:** Deputy First Minister and Cabinet Secretary for Education and Skills  
**Cc:** [Redacted]

**Subject:** Religious Observance - Humanists Judicial Review - Consultation on revised SG guidance

[Redacted]

Please find attached a minute from [Redacted] seeking Mr Swinney's agreement to a proposed consultation on revising the guidance on Religious Observance in schools.

If the Cabinet Secretary is able to clear this quickly (by Tues 20 December) it would help us issue it by the end of the calendar year as hoped.

Many thanks,

[Redacted]

<< File: Religious Observance - submission on consultation on revised guidance.docx >>

[Redacted]



**Revised Guidance on Religious Observance in Schools**  
**Response from the Scottish Council of Jewish Communities**

The Scottish Council of Jewish Communities (SCoJeC) is the representative body of all the Jewish communities in Scotland. SCoJeC advances public understanding about the Jewish religion, culture and community, by providing information and assistance to educational, health, and welfare organisations, representing the Jewish community in Scotland to Government and other statutory and official bodies, and liaising with Ministers, MSPs, Churches, Trades Unions, and others on matters affecting the Jewish community. SCoJeC also provides a support network for the smaller communities and for individuals and families who live outwith any Jewish community or are not connected with any Jewish communities, and assists organisations within the Scottish Jewish community to comply with various regulatory requirements. SCoJeC also promotes dialogue and understanding between the Jewish community and other communities in Scotland, and works in partnership with other organisations and stakeholders to promote equality, good relations, and understanding among community groups.

In preparing this response we have consulted widely among members of the Scottish Jewish community.

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**Proposed revision 1**

Resources signposted by the Guidance should be up-to-date and relevant. However, not only is the link provided to the CfE Briefing on Religious Observance incorrect,<sup>1</sup> but all except two of the links to resources on the final page of the Briefing are no longer active – in particular, the “Journey to Excellence” website, which originally hosted five of the resources, states that “The site was removed”. We therefore urge that the “resources” page of the Briefing should be updated before the new Guidance is issued, and Education Scotland should be charged with ensuring that it is kept up to date for the entire life of this Guidance by ensuring that superseded links are forwarded rather than abandoned.

**Proposed revision 2**

**i) Terminology: Defining “religious observance”**

“Religious Observance” is an activity that is mandated by a religious faith. It is therefore incorrect to state that Religious Observance consists of “*community acts*”

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<sup>1</sup> The Briefing is now available at <https://education.gov.scot/Documents/cfe-briefing-16.pdf>

*which aim to promote the spiritual development of all members of the school's community and express and celebrate the shared values of the school community.”<sup>2</sup>*

Examples of activities mandated by a religious faith include when Jewish pupils eat kosher food (and say a short grace (a *brachah* or “blessing”) before eating); when Sikh boys wear a turban; when Muslim girls cover their hair with a scarf; when Jewish pupils say specific prayers in Hebrew (the language of Jewish prayer); when Muslim pupils fast during Ramadan; and when Christian pupils sing Christmas and Easter hymns. Each of these examples is specific to a particular faith and would not be practised by any other. Nor should it be forced on any other. In addition, there may be other practices that reflect a particular religious perspective, as when Jewish pupils write “BCE” (“Before the Common Era”) instead of “BC” (“Before Christ”) to denote a historical period, or refer to the “Hebrew Bible” rather than the “Old Testament” (which implies the Christian belief that it has been superseded by the New).

For the avoidance of doubt, we do not object to *“community acts which aim to promote the spiritual development of all members of the school's community and express and celebrate the shared values of the school community.”* only to their inaccurate representation as “Religious Observance”. We therefore regret that the opportunity is not being taken to amend the 1980 Act to replace “Religious Observance” with a more neutral term such as “Time for Reflection” – as the consultation paper and the CfE Briefing both suggest that many schools may wish to do.

## **ii) Diversity and the ‘whole school experience’**

We welcome the acknowledgement that *“Scotland has for many generations also been home to other faith and belief traditions, never more so than at present ... and we can expect Scotland to become increasingly diverse in the range of faith and belief traditions”* as well as the commitment that *“RO in schools needs to be developed in a way which reflects and understands this diversity.”<sup>3</sup>* However, we regret that this aspiration is not always achieved in reality at grass-roots level, a failing that this guidance is likely to perpetuate by its description of Religious Observance as a *“whole-school activity”, by which we mean that all or any members of the school community would normally take part, including staff, pupils, parents”<sup>4</sup>*.

Our inquiries into *Being Jewish in Scotland* (2012)<sup>5</sup> and *What's Changed About Being Jewish in Scotland* (2015)<sup>6</sup>, which were funded by the Scottish Government, found that many teachers and even head teachers did not understand or accept that it is not appropriate for pupils to participate in the religious observance of other faith communities although it is appropriate for them to learn about other religions and beliefs in religious education.

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<sup>2</sup> Consultation paper, paragraph 5

<sup>3</sup> Consultation paper, paragraph 8

<sup>4</sup> Consultation paper, paragraph 6

<sup>5</sup> [http://www.scojec.org/bjis\\_findings.html](http://www.scojec.org/bjis_findings.html)

<sup>6</sup> [http://www.scojec.org/bjis2\\_findings.html](http://www.scojec.org/bjis2_findings.html)

One parent, for example, told us:

*"[I had] tensions with my children's schools because I was not content for them to engage in Christian worship – the reaction combined incomprehension and annoyance at the inconvenience. "We all worship the same god really". No, we don't; that's part of the point."*

This view was echoed by another parent who commented:

*"The Scottish Government needs to understand that some of us are not Christian. ... The schools may think that assemblies in church unite the school; they don't."*

We are, therefore, concerned by the statement that *"In recognition of Scotland's Christian heritage, non-denominational schools are also encouraged to draw upon the rich resources of this tradition when planning RO."*<sup>7</sup> On the contrary, the Guidance should provide parents with reassurance that whole-school assemblies will relate to issues and values that are shared by people of all faiths and none, and that where there is a response to a world, national or local event, that the whole school will respond together in assemblies of a non-denominational nature. We have been told that many Christians share this concern because the effect of conducting whole-school events in this way is to water down genuine Christianity. There is a perfectly simple model that should satisfy everyone, and which has been adopted by some schools and universities for prize-givings and graduations – the ceremony itself is non-denominational, and there are separate religious services beforehand for those who wish to attend them.

In some schools access to some aspects of the curriculum are difficult for pupils from minority faiths because they consist of Christian Religious Observances (properly so called). This can take place in Music, Choirs, Drama, and Art. For example, not all pupils will wish to take part in Nativity plays, or sing Christmas carols, or even attend prize-givings held in a church, so non-Christian pupils and their families may well feel excluded or alienated at certain times of the year. We are aware that there can be much tension and embarrassment felt by pupils

A school-age participant in our Inquiry told us:

*"I always have a bit of a dilemma because I'm quite musical. Most of the year I'm in the choir and in the orchestra, and then it gets to Christmas and I have to think, do I sing and just miss out the key words, do I sing and say beforehand to myself "this doesn't count"? Our school is very big on diversity. Our motto is 'we value the diversity that exists', but the diversity doesn't seem to have quite reached the music department. It doesn't occur, when they're thinking of songs, to think of songs that everyone can sing happily. They don't even think about it."*

We would, therefore, urge that the Guidance should include clear direction on how to cater for all pupils at major Christian festivals, and that schools should be required to draw up a policy that allows all pupils to have access to these subjects without a particular religious bias. This is even more true of events such as graduations and awards ceremonies. As a member of the Jewish Community who has very wide experience in education told us:

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<sup>7</sup> Consultation paper, paragraph 11

*“Since Primary 1, I have always felt very uncomfortable attending school prize-givings, university graduations, and other ceremonies, whether to receive a prize, present an award, or in any other official capacity, when these have taken the form of a church service. This is an entirely foreign experience, and I know many students who have chosen to graduate in absentia as a result. School pupils, however, probably feel less able to exercise that kind of autonomy, and should not be put in the position of having to choose. These are events that are supposed to honour individuals for their achievements, but instead they often alienate the very people they are purporting to honour.”*

### **Proposed revision 3**

We are satisfied with the proposals for consulting and informing parents about the curriculum and Religious Observance, and advising them of their right to withdraw their children from Religious Observance. However, we are concerned that the *School Handbook Guidance*<sup>8</sup>, following the Regulations<sup>9</sup>, refers to “religious instruction and observance” in the singular, stating that

*“The School Handbook ... should set out how religious instruction and observance is covered ...”*

rather than recognising that “instruction” (presumably what is now known as RME) and “observance” are two quite distinct activities. In addition, the linking of the two suggests that the phrase “religious observance” is here being used literally, rather than as the statutory term for what is now being re-imagined as “time for reflection”. This example from the Guidance itself should be sufficient to demonstrate the need for linguistic precision, and so for the Act to be amended to say what we are now told it means.

As we have already stated, while it is appropriate for pupils to learn about faith traditions other than their own, it is not appropriate for pupils to be expected, or worse, forced, to participate in the religious observance of other faith communities.

### **Proposed revision 4**

We agree that the wishes of young people should be taken into account in an age-appropriate manner when considering withdrawal from Religious Observance. We emphasise, however, that any such agreement to withdrawal from Religious Observance should be on the basis of the pupil’s considered and principled objections, and not simply to gain a free period or because they are “not interested”. Furthermore, any conflict between the wishes of a young person and his or her parents should be dealt with in a sensitive manner, and, where possible, schools should assist in facilitating a joint decision.

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<sup>8</sup> <http://www.gov.scot/Resource/0040/00401568.pdf>

<sup>9</sup> [http://www.legislation.gov.uk/ssi/2012/130/pdfs/ssi\\_20120130\\_en.pdf](http://www.legislation.gov.uk/ssi/2012/130/pdfs/ssi_20120130_en.pdf)

## “Approach”

We are pleased to note that “*The Scottish Government welcomes the tradition that, in Roman Catholic denominational schools, Catholic Liturgy will largely shape the nature and frequency of RO activities in the classroom and in the wider school community.*”<sup>10</sup> and we suggest that it would be appropriate also to mention and welcome the fact that in Scotland’s only Jewish school, Calderwood Lodge Primary, in Glasgow, Jewish tradition similarly shapes the nature and frequency of Religious Observance activities in the classroom and wider school community.

## “Support”

We note that the Guidance signposts “*Education Scotland’s ... exemplar materials to support schools in developing high quality activities for education about faith and belief*”, as well as materials and learning opportunities provided by the Scottish Catholic Education Service, Glasgow University, Scripture Union Scotland, and the Church of Scotland,<sup>11</sup> and we suggest that it would also be appropriate to draw attention to materials provided by the Scottish Council of Jewish Communities with support from Education Scotland<sup>12</sup>.

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<sup>10</sup> Consultation paper, paragraph 10

<sup>11</sup> Consultation paper, paragraphs 26-28

<sup>12</sup> Our educational resources are available at <http://www.scojec.org/resources/education.html>, and, in particular, include:

“JOES Boxes – Jewish Objects for Education in Scotland” (SCoJeC, 2016)  
[http://www.scojec.org/resources/joes\\_boxes/joes\\_boxes.html](http://www.scojec.org/resources/joes_boxes/joes_boxes.html)

Career-long Professional Learning : Judaism (SCoJeC , 2016)  
[http://www.scojec.org/resources/files/rme\\_clpl.pdf](http://www.scojec.org/resources/files/rme_clpl.pdf)

# SCHOOLS – RELIGIOUS OBSERVANCE POLICY

## ISSUE:

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

## 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]

## Legislation on Religious Observance and Religious and Moral Education

- Section 8 of the Education (Scotland) Act 1980 provides that local authorities may continue the custom and practice of providing “instruction in religion” (i.e. Religious and Moral Education (RME)) and religious observance (RO). [Redacted]
- Section 9 of the 1980 Act provides for a parental right to withdraw a child from RME and/or RO but states that such withdrawal should not disadvantage the pupil in relation to the secular teaching they receive. This is relevant given that the Curriculum for Excellence emphasises that RME should be taught in a pluralist manner that encompasses both religious and non-religious viewpoints. Guidance is provided which explains what this means in practice. It states that “*Schools should provide parents with sufficient information on which to base a decision, and ensure that parents are aware of the content of the religious and moral education...that the school wishes to undertake. This is especially relevant within the context of Curriculum for Excellence since this area of their education contributes to pupils thinking for themselves and making their own decisions about what they believe to be true about human living. Without this aspect of their education, learners will not enjoy the full benefits of Curriculum for Excellence*”

## Amending the 1980 Act

- [Redacted]

## Humanist Society Scotland (HSS)

- 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 has since been narrowed in scope, 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.
- This is an issue the Humanist Society Scotland has campaigned on for some time. While the role of RME is generally respected and understood as a valid part of the curriculum by the Society, concerns tend to focus on RO and ensuring it is inclusive and is not discriminatory in any way regardless of an

# SCHOOLS – RELIGIOUS OBSERVANCE POLICY

[Redacted]

## SCHOOLS – RELIGIOUS OBSERVANCE POLICY

### ISSUE:

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- **Officials met HSS on Wednesday 26 October and discussed the remainder of the petition and other concerns they had. The Court has today (3 Nov) approved a joint motion to sist the JR proceedings for 3 months to allow progress to be made.**
- This is a complex issue on which we have been receiving legal advice, and on which we are currently developing advice to Ministers. A simple update to guidance would not provide children with the legal right to withdraw from Religious Observance in school - this would require a change to primary legislation.
- [redacted]

### Top Lines

- **We cannot comment on the judicial review brought by the Humanist Society Scotland as it is on-going litigation.**
- **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.
- The Scottish Government is conscious however of its international obligations under the UNCRC and its duties under the Children and Young People (Scotland) Act 2014 and will keep under consideration whether there are any steps Ministers could take which might secure better or give further effect to the UNCRC in Scotland in this context.

### Legislation on Religious Observance and Religious and Moral Education

- Section 8 of the Education (Scotland) Act 1980 provides that local authorities may continue the custom and practice of providing “instruction in religion” (i.e. Religious and Moral Education (RME)) and religious observance (RO). Although the 1980 Act seems only to provide local authorities with a discretionary power to provide RME and RO, it then stipulates that such provision cannot be discontinued without the approval of voters in that local authority area. So, to that extent, there is a statutory obligation to provide RME and RO. The 1980 Act does not detail the form that either RME or RO should take.
- Section 9 of the 1980 Act provides for a parental right to withdraw a child from RME and/or RO but states that such withdrawal should not disadvantage the pupil in relation to the secular teaching they receive. This is relevant given that the Curriculum for Excellence emphasises that RME should be taught in a pluralist manner that encompasses both religious and non-religious viewpoints. Guidance is provided which explains what this means in practice. It states that “*Schools should provide parents with sufficient information on which to base a decision, and ensure that parents are aware of the content of the religious and moral education...that the school wishes to undertake. This is especially relevant within the context of Curriculum for Excellence since this area of their education contributes to pupils thinking for themselves and making their own decisions about what they believe to be true about human living. Without this aspect of their education, learners will not enjoy the full benefits of Curriculum for Excellence*”

# SCHOOLS – RELIGIOUS OBSERVANCE POLICY

[Redacted]

## **Humanist Society Scotland (HSS)**

- This is an issue the Humanist Society Scotland has campaigned on for some time. While the role of RME is generally respected and understood as a valid part of the curriculum by the Society, concerns tend to focus on RO and ensuring it is inclusive and is not discriminatory in any way regardless of an individual's beliefs. For some time they have expressed a wish that RO be replaced '...with a more inclusive alternative such as Philosophy for Children'.
- A **Judicial Review** has been raised by the HSS to challenge the fact that children in the senior phase (aged 16 and 17) do not have a statutory right to withdraw from religious and moral education (or, as the legislation refers to it: "instruction in religious subjects") and religious observance. The statutory right in section 9 of the Education (Scotland) Act 1980 belongs only to the parents of pupils.

## **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.

Deputy First Minister and Cabinet Secretary for Education and Skills

## **RELIGIOUS INSTRUCTION AND RELIGIOUS OBSERVANCE IN SCHOOLS - CONSIDERATION OF OPTIONS**

### **Purpose**

1. To provide further advice on policy options related to the issues raised in the on-going petition for Judicial Review by the Humanist Society Scotland (HSS).

### **Priority**

2. **Routine.** However the Deputy First Minister may want to consider prior to meeting with officials to discuss on Wednesday 26 October.

### **Status of Petition for Judicial Review**

3. The most recent update provided to Ministers on Friday 14 October summarised the outcome of the hearing on permission for the judicial review challenge to proceed. While Lord Armstrong allowed the petition to continue, its scope has been significantly reduced. The only point remaining is the fourth plea-in-law, which is the challenge relating to the failure of Ministers to amend guidance on the provision of Religious Observance in schools.
4. The Court has issued a timetable for further procedure. Answers require to be lodged by 27 October, adjustments and Notes of Argument have to be prepared by 10 November, a procedural hearing has been fixed for 24 November and the hearing on the petition is scheduled for 11 January 2017.
5. Ministers had previously indicated a willingness for discussions to be opened with HSS about whether they would consider sisting the petition with a view to reaching an agreement that would lead to them withdrawing the action; early indications were that HSS were open to have these discussions and officials are now meeting HSS on the morning of 26 October to discuss further. Given that a fairly tight timetable has been set by the Court, we will be pursuing these discussions with a view to determining if the case can be sisted, or indeed withdrawn, before or soon after Answers need to be lodged (27 October). There is the opportunity for sisting after Answers have been lodged but we would still want to do this at the earliest opportunity, including to save time and resource. Any sist would be with a view to further discussions to see if HSS would agree to withdrawing the action.
6. A Ministerial view is therefore sought on both:
  - the parameters of an offer to HSS in seeking specifically to have the judicial review withdrawn; and
  - any potential broader review of policy, including in the light of the UNCRC Article 12 (Respect for the views of the child), and to discourage possible future challenge.

## Consideration

7. [redacted]

8. [redacted]

a) [redacted]

### *Note on terminology:*

10. There is an important distinction to be drawn between Religious Instruction (now commonly known as Religious and Moral Education (RME)) and Religious Observance. RME is one of the eight areas of Curriculum for Excellence, where learners are supported to develop their understanding of beliefs, values and issues and practices and traditions. While the RME curriculum reflects the role Christianity has played in shaping the history and traditions of Scotland, teaching and learning in RME also allows young people to explore and understand a range of beliefs and values.
11. Religious Observance is a whole school activity usually conducted as part of school assemblies, defined in 2011 guidance as “community acts which aim to promote the spiritual development of all members of the school’s community and express and celebrate the shared values of the school community”.
12. In addition, there is an important distinction to be made between RME and Religious Observance in non-denominational and denominational schools. In Roman Catholic

denominational schools, Catholic Liturgy would largely shape the nature and frequency of Religious Observance activities in the classroom and in the wider school community. In non-denominational schools, assemblies are the most common vehicle for delivering Religious Observance but there should be a clear distinction between assemblies devised for Religious Observance and assemblies for other purposes such as celebrating success.

13. The legislation that provides a parental right to withdraw is however the same in both denominational and non-denominational contexts.

### **Petitioner's Stance**

14. The Petition refers to both Religious Instruction (i.e. RME) and Religious Observance. However we understand from our previous engagement with HSS that it generally respects and understands the role of RME as a valid part of the curriculum; its concerns tend to centre on Religious Observance and ensuring that Religious Observance is inclusive and not discriminatory in any way regardless of an individual's beliefs. For some time, HSS has expressed a wish that Religious Observance be replaced '*...with a more inclusive alternative such as Philosophy for Children*'.

15. A further area on which HSS has raised concern (but which is not mentioned in the judicial review) is religious representation on local authority education committees. Religious representation on local government education committees is a requirement under the Local Government (Scotland) Act 1973. Where a local authority appoints an education committee, three persons must be appointed as members to represent the churches throughout Scotland, one representing the Church of Scotland, one representing the Roman Catholic Church (with the exception of Orkney, Shetland, and the Western Isles) and one other (or two others in respect of Orkney, Shetland, and the Western Isles) who is chosen by the local authority to represent a religious body "taking account of... the comparative strength within their area of all the churches and denominational bodies having duly constituted charges or other regularly appointed places of worship there".

16. When asked, the Scottish Government position on this is that this is a matter for individual local authorities in complying with the Local Government (Scotland) Act 1973. Ministers support the involvement of religious representation in the decision making process of councils in relation to education.

### **Wider Stakeholder View**

17. The Scottish Government and Education Scotland have worked with a range of partners and stakeholders to support work in Religious Observance, RME and Religious Education in Roman Catholic Schools. This has resulted in a range of publications and events supporting our work.

18. Stakeholders include: The Church of Scotland; The Scottish Catholic Education Service; The Scottish Joint Committee on Religious and Moral Education; Humanist Society Scotland; The Scottish Council of Jewish Communities; The Muslim Council of Scotland; Interfaith Scotland. We have also had engagements with Edinburgh Interfaith Association; Kagyu Samye Ling Buddhist Centre and; Edinburgh Sikh Sanjog.

19. Many of these key stakeholders have strong views on RME, Religious Education in Roman Catholic Schools and Religious Observance and would be likely to respond very strongly to any proposed changes based solely on the HSS judicial review.
20. Local authorities, schools, parents and children and young people are very important stakeholders who may also hold wide-ranging views on this issue. Any changes in legislation would impact significantly on schools and communities across Scotland. Curriculum for Excellence places high expectations on schools to demonstrate high levels of commitment to equality and diversity. The current Scottish Government policy on Religious Observance fosters tolerance of religious and other beliefs in our society which is expressed within the values of Curriculum for Excellence and in the values of almost every school across Scotland. It is therefore important that no one group, such as the Humanist Society Scotland, is seen to be regarded as more influential than any other.

## **Legislation**

### *The Education (Scotland) Act 1980*

21. The requirement on all local authorities to provide Religious Instruction and Religious Observance dates back to the Education (Scotland) Act 1872 and has been continued through to the Education (Scotland) Act 1980. This includes provision for parents to withdraw their children from such observance or instruction. In essence, there has been no change in the Scottish legal position since it was established as a statutory local authority duty in 1872. The relevant provisions are summarised at Annex A.

### *The Standards in Scotland's Schools Act 2000*

22. The Act states that in providing school education a local authority must have due regard, so far as reasonably practical, to the views (if they wish to express them) of the child or young person in decisions that significantly affect them, taking account of their age and maturity.

### *The Children and Young People (Scotland) Act 2014 and the UNCRC*

23. More recently, the Children and Young People (Scotland) Act 2014 details the duty of Scottish Ministers in relation to the rights of children. These are that Ministers must:
- keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirements, and
  - if they consider it appropriate to do so, take any of the steps identified by that consideration; and
  - in complying with these duties, must take such account as they consider appropriate of any relevant views of children of which they are aware.

24. [redacted]

[redacted]

25. [redacted]  
[redacted]

### Relevant local government legislation

26. Ever since 1872 when it handed over responsibility for its schools to the secular authorities, the Church of Scotland has maintained an active involvement in state education through the Assembly's Education Committee. Of special importance has been its participation through its representatives on those education committees where policy decisions are taken which directly affect local communities.
27. In 1929 the Roman Catholic Church secured the statutory right to have representatives on local authority education committees but it was not until 1973 that this right was secured for the Church of Scotland.
28. When the Local Government (Scotland) Act 1929 provided that responsibility for education should pass from the *ad hoc* directly elected education committees to local authorities, provision was made for the appointment of at least two persons interested in the promotion of religious instruction to be nominated by a meeting of representatives of the churches or denominational bodies and at least one representative nominated by the church or denominational body by whom the teachers in the school are required to be approved as regards religious belief and character.
29. The Local Government (Scotland) Act 1973 provides local authorities with a power to establish education committees but an obligation, where they do so, to appoint religious representatives as members of that committee. A petition has been raised in the Scottish Parliament by the Edinburgh Secular Society which urges the Scottish Government to repeal these provisions.

### **Policy and Guidance**

30. In a letter to local authorities and schools dated 22 February 2011 the Scottish Government provided updated guidance to schools which reflected the development of Curriculum for Excellence. In relation to RME it stated *"Schools should provide parents with sufficient information on which to base a decision, and ensure that parents are aware of the content of the religious and moral education...that the school wishes to undertake. This is especially relevant within the context of Curriculum for Excellence since this area of their education contributes to pupils thinking for themselves and making their own decisions about what they believe to be true about human living. Without this aspect of their education, learners will not enjoy the full benefits of Curriculum for Excellence."*
31. In relation to Religious Observance it stated, *"Religious observance 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 be equally sensitive to individual spiritual needs and beliefs, whether these come from a faith or non-faith perspective...many school communities contain pupils and staff from faiths other than Christianity or with no faith commitment and this must be taken fully into account in supporting spiritual development. It is of central importance that all pupils and staff can participate with integrity in forms of religious observance without compromise to their personal faith.”* These letters reiterate the previously mentioned statutory obligations including the parental right to withdraw.

32. Further guidance on Religious Observance can be found in CfE Briefing 16: Curriculum for Excellence: Religious Observance (Time for Reflection) published in 2014. The Briefing was shared in draft form with stakeholders, including HSS, for comment and subsequently endorsed by them. This sets out the opportunities which religious observance offers for children and young people in Scottish schools:

*“Religious observance:*

- *provides opportunities for the school community to express and celebrate values which are considered human values;*
- *gives the school community time to reflect on the variety of traditions and viewpoints as well as other stimuli such as literature, art and music;*
- *provides opportunities for the community to reflect upon values, beliefs, commitments and hopes which are implicit in being human”.*

33. While there is currently no legal right for pupils to remove themselves from RME or 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. This is not however currently set out in guidance. The full range of guidance available to schools and local authorities is provided at Annex B.

**[redacted]**

34. A[redacted]  
**[redacted]**

35. [redacted]

[redacted]

37. [redacted]

**b) [redacted]**

39. [redacted]

*[redacted]*

43. [redacted]  
[redacted]

[redacted]  
[redacted]

45. [redacted]

**c) [redacted]**

48. [redacted]

[redacted]

- [redacted]

## **Conclusion**

54. [redacted]

55. You are invited to note the further consideration on the policy, guidance and legislative position on Religious Instruction (RME) and Religious Observance.

56. A meeting has been arranged with officials on 26 October to discuss:

- [redacted]

[redacted]

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
First Minister					X
Lord Advocate					X
Minister for Childcare and Early Years					X
Minister for Further Education, Higher Education and Science					X
Solicitor General					X

[redacted]

## ANNEX A

### RELEVANT LEGISLATION

The relevant provisions have been in Scots education law since the Education (Scotland) Act 1872.

#### 1980 Act: Religious Instruction (i.e. RME) and Religious Observance

Section 8 of the Education (Scotland) Act 1980 (“the 1980 Act”) provides that where it has been the custom in Scottish public schools for Religious Observance to be practised and for religious instruction to be provided to pupils whose parents did not object to such observance or instruction (“*but with liberty to parents, without forfeiting any of the other advantages of the schools, to elect that their children should not take part in such observance or receive such instruction*”), education authorities may continue this custom, subject to section 9 of the 1980 Act. Note that section 8(1) merely contains a discretionary power for local authorities to provide religious instruction and religious observance, however, section 8(2) provides that where either *are* provided, a local authority may not discontinue that provision until a resolution has been passed by the local authority and approved by a majority of “*local government electors*”; this is a practice that, we understand, has never occurred and so, to that extent, there is an effective obligation to provide both RME and RO. RME and RO are the only aspects of the curriculum in Scotland that have a statutory basis. The 1980 Act does not detail the form that either RME or RO should take.

#### 1980 Act: Right to withdraw

Section 9 of the 1980 Act provides that all public and grant aided schools shall be open to pupils of all denominations and allows any pupil to be withdrawn by his parents from any instruction in religious subjects and from any religious observance. Section 9 also provides that no pupil shall be placed at any disadvantage with respect to the secular instruction given in these schools by reason of the denomination to which such pupil or their parents belong or by reason of their being withdrawn from any instruction in religious subjects.

This is relevant given that the Curriculum for Excellence emphasises that RME should be taught and RO should be conducted in a pluralist manner that encompasses both religious and non-religious viewpoints.

#### Other provisions of the 1980 Act

Section 10 of the 1980 Act provides that where the parent of any pupil who is a boarder at any public school or other educational establishment under the management of an education authority, requests that the pupil be permitted to attend worship in accordance with the tenets of a particular religious denomination on Sundays or other days exclusively set apart for religious observance by the religious body to which his parent belong, or to receive religious instruction or to practise religious observance in accordance with such tenets outside the working hours of the school or other educational establishment, the education authority shall make arrangements for affording to the pupil reasonable opportunities for so doing. It also provides that such arrangements may provide for affording facilities for such worship, instruction or observance on the premises of the school or other educational establishment, so however that such arrangements shall not entail expenditure by the education authority.

Sections 21, 22, 22C and 22D of the 1980 Act are about denominational schools and also contain some archaic provision (in both language and effect).

Section 21 of the 1980 Act makes provision in relation to the management of denominational schools (transferred to the management of education authorities under section 16(1) of the 1980 Act). Section 21(2C) provides that subject to the provisions of section 9 of the 1980 Act, the time set apart for religious instruction or observance in any such school shall not be less than that set apart according to “the use and wont” of the former management of the school. Section 21(3) provides that for each school, the education authority shall appoint as supervisor of religious instruction, without remuneration, a person approved as regards religious belief and character by representatives of the relevant church or denominational body, and the supervisor so appointed shall report to the education authority as to the efficiency of the religious instruction given in such school, and shall be entitled to enter the school at all times set apart for religious instruction or observance. Section 21(5) provides that subsections (1) to (4), so far as applicable, shall have effect in relation to any school provided by an education authority under section 17(2) of the 1980 Act (new denominational schools) as they have effect in relation to schools transferred to an education authority, subject to the modification that the time set apart for religious instruction in any new denominational school shall be not less than that set apart in transferred denominational schools in the same education area. Section 21(6) provides that “any question which may arise as to the due fulfilment or observance” of any of these provisions “shall be determined by the [Scottish Ministers]”; this provision may impose an unwanted duty on Ministers to arbitrate disputes about the appointment of teachers in denominational schools.

Section 22C requires education authorities to seek the consent of the Scottish Ministers to any proposal which seeks to make a change to a denominational school which would affect whether or not pupils receive denominational school education. Section 22C(3) provides that Ministers shall not grant consent under section 22C unless satisfied that adequate arrangements have been made for the religious instruction of pupils and children who would, as a result of implementation of the proposal, no longer receive or be likely to receive school education in a denominational school. Section 22C(4) provides that in granting consent under this provision, the Scottish Ministers may impose such conditions as they think fit with regard to the religious instruction of those pupils and to related matters. Conditions imposed by the Scottish Ministers under this provision may be revoked or amended by them at any time.

Section 22D makes further related provision in relation to other proposals which affect denominational schools (again requiring authorities to seek the consent of the Scottish Ministers in certain cases). Subsection (5) provides that the Scottish Ministers shall not grant consent under section 22D in relation to a school unless they are satisfied that adequate arrangements have been made for the religious instruction of the children who will no longer receive or be likely to receive school education in a denominational school. Subsection (6) provides that in granting consent under section 22D in relation to a school, the Ministers may impose such conditions as they think fit with regard to the religious instruction of the children who will no longer receive or be likely to receive denominational school education and, in doing so, they shall have regard to the duties imposed by section 21 in relation to schools of that kind. Conditions imposed by the Ministers under this section may be revoked or amended by them at any time.

## ANNEX B

### RELEVANT POLICY AND GUIDANCE

Two significant pieces of SG guidance are dated February 2011 and exist in the format of letters which issued from Learning Directorate to all Directors of Education and Head Teachers. Both pieces of guidance explain what the legislative provisions mean in practice

1. SG Guidance on Religious Observance, 2011 (“The RO Guidance”)



RO Guidance  
2011.pdf

2. SG Guidance on Religious and Moral Education and Religion Education in Roman Catholic Schools, 2011 (“The RME Guidance”)



RME and REEC  
Guidance 2011.p...

The two pieces of guidance complement each other and set out clear guidance about these two related, but different, areas of school experience and learning.

In 2014, Education Scotland published a CFE briefing on Religious Observance which gives further explanation and guidance about RO and supports effective, well informed practices in schools.

3. CFE Briefing 16 on Religious Observance (“The CFE Briefing”)



CFE Briefing 16 on  
Religious O...

#### **What does the guidance say about the involvement of children and young people in decisions about withdrawing from RO?**

It is important firstly to note that the RO guidance is clear about the need for all RO to be fully inclusive:

*“In recognition of Scotland’s Christian heritage, non-denominational schools are also encouraged to draw upon the rich resources of this tradition when planning religious observance. However, many school communities contain pupils and staff from faiths other than Christianity or with no faith commitment, and this must be taken fully into account in supporting spiritual development. It is of central importance that all pupils and staff can participate with integrity in forms of religious observance without compromise to their personal faith.”*

This is important because it sets the standard for RO and in practice should ensure that withdrawal is the exception rather than the norm because the experience is widely understood by staff, pupils and parents to be inclusive. Further, the RO Guidance acknowledges that the term 'time for reflection' may be preferred by schools because it better reflects the events which meet the RO requirements:

*“However, Scottish Government Ministers also recognise that whilst the Education (Scotland) Act uses the term religious observance, and as a consequence both Scottish Government and its partners ... use the same terminology, schools may feel a different name for the events that meet their religious observance requirements will be more appropriate to their context and culture. .. For example, in a non-denominational school, the use of the title Time for Reflection might be appropriate because it is a clear description of the activity.”*

Guidance on practices around withdrawal from RO should therefore be considered in that context. In the RO Guidance, paragraphs 14-17 cover withdrawal. No mention is made of a role for the young person themselves in the decision.

In the RME Guidance, paragraphs 7-8 cover withdrawal and are somewhat more extensive in pointing to the growing capacity of children and young people, but again stopping short of indicating that pupils should be involved in any decision about withdrawal.

The wording in the CFE Briefing is helpful in indicating what good practice would be, including the need for school handbooks to be clear about RO provision. Importantly, it says that schools are expected “to set a clear rationale for the approach taken and to involve parents and children and young people in decisions about the RO programme”.

The bold section below also indicates the need to involve a young person in decisions about their education, in this case in RO.

*“Do all children and young people need to take part in RO?”*

*All educational establishments and local authorities are expected to have policies that describe their approach to RO. School handbooks should describe the provision of RO and also explain arrangements for those who wish to exercise the parental right to withdraw a child or young person from RO. To support parents in making decisions about RO, schools are expected to set a clear rationale for the approach taken and to involve parents and children and young people in decisions about the RO programme.*

*All schools are required to make suitable arrangements so that children or young people who are withdrawn from RO can benefit from alternative relevant activities. For example, where appropriate, schools will work with parents to agree a programme that enables learners to further their understanding of their own family beliefs, values and traditions. Parents may, and often do, provide some additional study material that enables these learners to use RO time to engage in some personal development and reflection in line with the beliefs and values of the family.*

***Exercising the right to withdraw should never involve a child or young person feeling excluded – nor should parents feel under any pressure to***

***avoid exercising their right to withdraw. This can be achieved by sensitive handling and clear communication.”***

While the 3 sources of guidance are therefore clear about good practice in involving pupils in the design of an RO programme and in ensuring that all RO is inclusive, **none of them currently gives a clear role for pupils in reaching any decision about withdrawal.**

However, more broadly, Curriculum for Excellence encourages as good practice an inclusive discussion about a pupil's learning with both the parents and the young person. Thus it is to be expected that a school would nowadays consider it normal to include the needs and wishes of the pupil in any discussion about their education.

### **Education Scotland's perspective on RO in practice**

- A range of policies and guidance exists to support schools and local authorities understand the nature and purpose of religious observance. These represent an inclusive approach which recognises the diverse nature of Scottish society and the range of religious and other beliefs within our communities. Religious observance provides opportunities for the school community to express, reflect upon and celebrate shared values.
- The aims and practice of religious observance vary across denominational and non-denominational contexts.
- Improving the quality of religious observance is not often a high enough priority.
- Where appropriate religious observance can include acts of collective worship but where this is not appropriate schools may develop other forms of religious observance more akin to "Time for Reflection"
- Education Scotland has no evidence that young people wish to withdraw themselves from religious observance.
- Education Scotland has provided a range of guidance around religious observance. However this aspect of school life has not been fully reviewed for over ten years. Education Scotland has limited evidence of the quality of young people's experiences of religious experiences.

### **Conclusion**

The overall picture created by these pieces of guidance is therefore that while there is no legal basis for pupils to remove themselves from RO and RME, the flexible approach to learning and teaching afforded by the Curriculum for Excellence in Scotland encourages schools to discuss options with both parents and their children.

It would be at odds with today's prevailing educational climate and principles for a school to agree to a pupil being withdrawn from part of school education solely on the basis of parents' wishes and without considering the views and wishes of the pupil. This is especially relevant as pupils grow in age, maturity and understanding as they move up through school.

**There may be merit in clarifying the guidance to more explicitly reflect this need for schools to observe general principles of involving pupils in decisions about their education, whether or not there is any decision to seek to amend the legislative basis for RO provision.**

## ANNEX C

### GUIDANCE ON THE CONDUCT OF RELATIONSHIPS, SEXUAL HEALTH AND PARENTHOOD EDUCATION IN SCHOOLS

<http://www.gov.scot/Resource/0046/00465948.pdf>

The relevant section of this guidance states as follows:

“56. While every young person has the right to education, schools and authorities must be sensitive to the cases in which a parent or carer may wish to withdraw a child or young person, or a child or young person wishes to withdraw themselves from all or part of a planned sexual health education programme within a RSHP education programme. Discussion with the parent or carer and child or young person should attempt to clarify the purposes of the programme and encourage them to see participation in the programme as a positive and constructive part of the child or young person’s education and development. Consideration should also be given to the age and maturity of the child or young person concerned on a case by case basis, in line with the UNCRC’s key concept of ‘evolving capacity’, whereby with increasing age, maturity, understanding and experience, children progressively assume greater autonomy.

57. In the instance of a parent wishing to withdraw a school aged child from sexual health education lessons, schools must remind parents of the child’s right to an education and to participate, bearing in mind their age and maturity. Where, after due consideration and subject to paragraph 58, the parent or carer decides to withdraw a school aged child from sexual health education lessons, arrangements should be made for the child to have alternative positive educational provision, which meets the Health and Wellbeing outcomes.

58. 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. As above, where a young person does not take part in sexual health education lessons, arrangements should be made for alternative positive educational provision, which meets the Health and Wellbeing outcomes.

59. Aspects of RSHP education may be discussed in many areas of the curriculum and it would not be possible for a child or young person to be withdrawn from lessons across the curriculum as this would prevent the child or young person from receiving an adequate and holistic education.

60. Arrangements should be in place to respond promptly and fully to any concerns which parents and carers may express about the content or teaching approaches within a RSHP education programme as there should be for any other aspect of the curriculum. In the first instance, parents and carers should be encouraged to raise concerns directly with the school involved as soon as possible so that the issue can be resolved quickly. Mechanisms for prompt referral at local authority level should be provided in cases where a parent or carer remains dissatisfied after consultation with the school. The school handbook should set out the arrangements around consulting parents and carers and the way in which their concerns can be raised, whether that be informally or through more formal processes, such as the local authority’s complaints process.”

# SCHOOLS – RELIGIOUS OBSERVANCE POLICY

## ISSUE:

- **Humanist Society Scotland Judicially Reviewing Scottish Ministers.** The permission hearing has taken place and the Court has allowed the Judicial Review petition to proceed with a much narrower scope. The only point remaining is the challenge relating to the failure of Ministers to amend the guidance on religious observance in schools. **If asked specifically about this court action, we cannot comment as it is on-going.**
- **Officials are meeting HSS on Wednesday 26 October with a view to discussing the remainder of the petition specifically, but also to explore more broadly the concerns they have.**
- This is a complex issue on which we have been receiving legal advice, and on which we are currently developing advice to Ministers. [Redacted]

## Top Lines

- We cannot comment on the judicial review brought by the Humanist Society Scotland as it is on-going litigation.
- **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.]

## Legislation on Religious Observance and Religious and Moral Education

- Section 8 of the Education (Scotland) Act 1980 provides that local authorities may continue the custom and practice of providing “instruction in religion” (i.e. Religious and Moral Education (RME)) and religious observance (RO). [Redacted] The 1980 Act does not detail the form that either RME or RO should take.
- Section 9 of the 1980 Act provides for a parental right to withdraw a child from RME and/or RO but states that such withdrawal should not disadvantage the pupil in relation to the secular teaching they receive. This is relevant given that the Curriculum for Excellence emphasises that RME should be taught in a pluralist manner that encompasses both religious and non-religious viewpoints. Guidance is provided which explains what this means in practice. It states that “*Schools should provide parents with sufficient information on which to base a decision, and ensure that parents are aware of the content of the religious and moral education...that the school wishes to undertake. This is especially relevant within the context of Curriculum for Excellence since this area of their education contributes to pupils thinking for themselves and making their own decisions about what they believe to be true about human living. Without this aspect of their education, learners will not enjoy the full benefits of Curriculum for Excellence*”

## Amending the 1980 Act

- [Redacted]

## Humanist Society Scotland (HSS)

- This is an issue the Humanist Society Scotland has campaigned on for some time. While the role of RME is generally respected and understood as a valid part of the curriculum by the Society, concerns tend to focus on RO and ensuring it is inclusive and is not discriminatory in any way regardless of an individual’s beliefs. For some time they have expressed a wish that RO be replaced ‘...with a more inclusive alternative such as Philosophy for Children’.
- A **Judicial Review** has been raised by the HSS to challenge the fact that children in the senior phase (aged 16 and 17) do not have a statutory right to withdraw from religious and moral education (or, as the legislation refers to it: “instruction in religious subjects”) and religious observance. The statutory right in section 9 of the Education (Scotland) Act 1980 belongs only to the parents of pupils.

## 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

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## **SCHOOLS – RELIGIOUS OBSERVANCE POLICY**

Scotland however, England and Wales have a statutory national curriculum, determined by Government.

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

## **RELIGIOUS OBSERVANCE - HUMANIST SOCIETY SCOTLAND V MINISTERS - PETITION FOR JUDICIAL REVIEW**

### **Purpose**

1. To update the First Minister and the Deputy First Minister on progress in the above case:
  - The Court has indicated that it is minded to grant only limited permission to the petitioners which would significantly narrow the scope of the judicial review challenge. However, the Court has scheduled an oral hearing on this point for Friday 14 October which may alter the Court's view on permission; and
  - Contact between Counsel indicates that the Humanist Society Scotland ("the HSS") is willing to enter into discussions with the Scottish Government about the issues raised in the petition following the Court's decision on permission.

### **Priority**

2. Routine – we will update Ministers following the Court's decision on permission.

### **Background**

3. This note provides an update on matters discussed in my previous minutes of 22 and 29 September in relation to the legal action being brought by the HSS.

### **Judicial process - Permission**

4. Lord Armstrong has undertaken an initial consideration of whether to grant permission for the petition to proceed.
5. His initial view is that permission should be granted to allow the petition to proceed but **with a much narrower scope**. He has indicated that **he is only minded to allow the case to continue in relation to the 4<sup>th</sup> plea-in-law, which is the challenge relating to the failure of Ministers to amend the guidance on the provision of religious observance in schools to render it compatible with the terms of the letter sent to HSS dated 13 June 2016 (see para 9 below)**.
6. However, Lord Armstrong will not make a final decision until he has given parties the opportunity to address him personally. A hearing has been fixed for Friday 14 October 2016 at 9.30am for parties to address him further on the issues. Douglas Ross QC will be representing Ministers at the hearing.
7. Litigation colleagues will attend the hearing and report back. The Court may issue a decision on permission at the hearing or at a later date.

## **Likely outcome of hearing on Friday 14 October**

8. Although Lord Armstrong has indicated his initial view about permission, that may change following oral arguments on 14 October. [Redacted]

[Redacted]

## **Conclusion**

18. You are invited to note:

- a) That the Court will take a decision on permission following an oral hearing on Friday 14 October 2016;
- b) That HSS have indicated via their Counsel that they would be open to discussing matters in the petition with SG following a decision on permission; and
- c) That further detailed advice on the emerging policy options will be provided soon, likely to focus on the potential to satisfy the HSS's wishes by revising guidance (in consultation with stakeholders more widely).

[Redacted]

Learning: Curriculum, Qualifications and Gaelic  
x47573

13 October 2016

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Lord Advocate					X
Minister for Childcare and Early Years					X
Minister for Further Education, Higher Education and Science					X
Solicitor General					X

DG Learning and Justice  
[Redacted]

## **ADES Response to Religious Observance – Scottish Government Consultation on Guidance**

Thank you for the opportunity to respond to the consultation on the change of wording for Religious Observance. ADES would like to offer the following comments.

We have no comments on the first two proposed changes. However, we have concerns about the proposal to insist that schools include a reference to how parents can withdraw from RO (3). Why would we only include a reference to the withdrawal from RO? Parents also have a right to withdraw from Religious Education under the same legislation. Therefore, if the government wishes to highlight to parents their rights for withdrawal then both should be included. Of course, when parents exert this right, it causes challenges to schools as there is rarely spare capacity in terms of staffing to allow children to be supervised and this generally happens at the expense of other activities.

We have similar concerns about the proposed wording (4) specifically 'however, schools should include young people in any discussions about their school experience, ensuring their wishes are taken into account.' This reads as though schools should do whatever young people wish. We support young people being consulted and actively involved in their learning and so we suggest that the second half of the sentence is removed.

Given the difficulties which schools experience when parents do exert their right to withdraw from both RO and RE, we would suggest that the time is right for a consultation on whether RE should be a legislative requirement.

RE or RME should form part of a broad and balanced curriculum. If its legislative position is changed then so is the right to withdraw. The consultation should also consider the place of RO. Why does there need to be a set number of RO opportunities in a school session? The guidance note highlights the importance of values-based education and the important role that assemblies play in developing a sense of community in schools where values are promoted.

In summary, the suggested changes will cause more challenges to schools. We appreciate that it will resolve the position from the government perspective as the onus of responsibility will be moved directly onto schools to manage all the differing views and the government will be able to assure the Humanist Society that parents are being advised about their right to withdraw. Note that our suggestion about consulting on the role of RO and RE would not affect the position of both in the denominational sector. The advice note from Education Scotland sets out clearly the position of both RO and RE in Catholic schools. We believe the time is right for an extensive consultation on the position of RE and RO within the curriculum and the life of the school.

**[redacted]**  
**President**  
**ADES**  
**January 2017**

**From:** [Redacted]  
**To:** [Deputy First Minister and Cabinet Secretary for Education and Skills](#)  
**Cc:** [First Minister](#); [Redacted]  
**Subject:** Religious Observance - Humanist Society of Scotland (HSS) Judicial Review - Update to DFM - 3 november 2016  
**Date:** 03 November 2016 15:38:51

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[Redacted  
ed]

Following on from previous correspondence on this issue, we want to update DFM on progress.

### Court procedure

The Court has today granted the motion enrolled by SG and consented to by HSS to sist the judicial review action for 3 months, that is until 3 February. This is to enable discussions to take place between parties. [Redacted]

### Consultation on guidance – stakeholders other than HSS

We have this afternoon sent a short note to key stakeholders involved with religious observance, making them aware that the SG intends to conduct a process of consultation on a revision to the guidance. It was important to make stakeholders aware this afternoon of this intention, in order that they are given their place in this matter before the HSS takes any steps to make a public / media comment about the Court's decision in relation to the JR.

### Media

The following lines have already been approved by Comms and SPADs, in the event of media enquiries following on from any news release by the HSS.

“We believe religious observance in schools should support the values of a diverse, outward-looking Scotland, which encourages young people to develop their own beliefs and values and understand the beliefs and values of others.

“Listening to the views of young people themselves on all aspects of education is very important, as we have clearly recognised through our approach in the Children and Young People (Scotland) Act 2014 and the current Education Governance Review. We welcome the opportunity to work with key interests to discuss how we ensure this approach is fully reflected through religious observance guidance.”

We will provide more detail soon on what form we think the consultation process could best take so as to be effective and proportionate.

Thanks,  
[Redacted]

[Redacted]