

PE1487/H

Steuart Campbell Letter of 9 October 2013

Although the Petition calls for amendment of the Education (Scotland) Act 1980, it offers no suggestions as to how that could be done to allow an 'opt-in' to religious observance (rather the existing 'opt-out'). Nor is it clear whether or not the petitioners wish to remove the Conscience clause (section 9 of the Act).

The present 'opt-out' system requires all pupils to attend assemblies that are in effect religious observance (or now 'Time for Reflection'), but with the option for parents to elect to withdraw their children from such assemblies, with no disadvantage to the pupils so withdrawn.

An 'opt-in' system would need to assume that no pupils will attend such assemblies unless parents give consent for their children to attend. That would seem to require considerable alteration of section 8(1) of the Act, allowing education authorities to continue with such observance only for those pupils whose parents have consented to their attendance.

The petitioners describe a system whereby parents are sent a letter outlining the expected forms religious observance (mistakenly described as 'Observation') will take and their frequency, with a tick box consent form 'for each type of activity, such as assemblies, visiting ministers and clergy, visits to religious institutions, and festivals'. This appears to place a considerable administrative burden on schools and may not be practical. Schools may also be faced with the problem of interpreting the results, where some returned forms will show consent and some may show nothing (will the absence of a tick indicate lack of consent or merely indifference?). Schools will also need to decide what to do with pupils whose forms have not been returned or have been lost. Will they have to telephone all such parents to clarify the matter? That would add another administrative burden.

Since the Act deals not only with religious observance but religious instruction (sic, but presumably now means religious, moral and philosophical studies), any alterations to the Act should not remove the right of parents to withdraw their children from the latter. Indeed the Act should

be strengthened to require schools to inform parents of this right and to require that proper provision is made for pupils withdrawn from religious instruction. It is my experience that not all schools do this.

Any amendments to this Act should take the opportunity to remove the word 'instruction' and replace it by 'observance and education'. It would also be improved by replacing the word 'his' in section 9 by 'their'. In any case, section 9 would need amending to retain the right of withdrawal from religious education while removing the right to withdraw from religious observance (if the latter becomes 'opt-in').

The above difficulties with the implications of the petition, suggest that it would be simpler to abolish religious observance altogether, removing sections 8 and 9 of the Act. This would be my preference.

Steuart Campbell

9 October 2013