

17th January, 2014

PE1487/JJ

Petition PE1487, response by petitioners to the Scottish Government submission of 18 December 2013

We welcome the Government's recognition that "the submissions do point to the need for improvements in practice and communication" and that "[t]here is scope to deepen ... how schools can communicate effectively with parents about Religious Observance." This is exactly what the change we request is meant to achieve, and do not understand the Government's continued opposition to this simple measure.

The Government refers repeatedly to improvements in its guidelines, but it is clear (see e.g. submission by AHDS and the responses received from local Education Authorities attached) that not all parties are even aware of these guidelines, and we have found considerable uncertainty as to whether these guidelines should be considered as regulations, or merely as advisory.

We also already have 20 cases where in the current school year, in clear breach of current guidelines, a school has failed to include information about the right to opt out in its Handbook, and others where opt-out is made more difficult than it should be, or even presented as adversarial. These cases occur in just 3 of the 32 Local Education Authorities, with the 29 remaining Authorities and their hundreds of schools yet to be checked.

Under opt-in, it would for the first time be in the interests of those providing RO to make sure that parents were aware of their rights in this matter, and encouraged to express their own views, objectives that the Government itself quite properly supports.

It should be remembered that RO includes acts of worship in many non-denominational schools, and in all denominational schools. Some submissions refer explicitly, and the current Government submission may be referring implicitly, to forms of RO where this is not the case. But policy cannot be based on redefining RO to exclude these acts of worship, since that would remove them from the range of activities for which there is a statutory right to withdraw, a clearly untenable position.

More detailed comments follow, keyed to the numbering of the Government response

1) We strongly recommend that schools work with their local authority and the wider community to develop opportunities for inclusive and meaningful Religious Observance.... Ultimately, it is for schools and local authorities to decide who they

invite into their schools, and we would encourage them to think this through carefully, in consultation with parents, and conscious of the need to be inclusive and relevant.

We agree. We are certain that the improved communication inherent in opt-in will help schools and local authorities in this task. It will help prevent unfortunate abuses of the RO system such as those that came to light last September. It will also assist the development of necessary alternatives to Christian RO, such as a non-religious Time for Reflection, to which students with different faiths or no faith can sincerely subscribe.

2. The YouGov poll was carried out in March 2012. Since then in terms of parents' awareness and involvement the Education (School and Placing Information)(Scotland) Regulations 2012 make provision about what a school's handbook should say about how the school plans and provides its curriculum, including Religious Observance. The School Handbook should be reviewed and revised by 8 December in each calendar year to ensure the information provided is up-to-date.

We already know that this has not happened and are not convinced that the Government's good intentions will suffice to make it happen. (See opening remarks, and examples cited in our response to 8, below). Moreover, the existence of the 2012 regulations was not sufficient to prevent the recent scandal at Kirktonholme, which came to light shortly after we first addressed the Committee, in which RO activity was used to present children with books that showed dinosaurs as beasts of burden and stated that nonbelievers are incapable of moral judgment. This is but one example where the fuller communication implicit in opt-on would have nipped the problem in the bud.

3. It is for the school and local authority to ensure that alternative arrangements are in place so no child is disadvantaged by withdrawing from religious observance. That said, the Scottish Government will continue to work with Education Scotland to support schools and local authorities to improve Religious Observance.

Again, the Government affirms the ends but fails to provide guidance regarding the means. We believe that schools would welcome clear guidance, and have documented to the committee the unsatisfactory nature of provision in some cases. All of this is true regardless of the fate of the current petition.

4. Scottish Ministers have always been clear about the value that Religious Observance can have for young people in schools: it can offer opportunities for young people to reflect meaningfully on different points of views and values, including their own. As we have said previously, parents and young people have the right to withdraw from arrangements that are in place and to work with the school so that learners engage in suitable alternative activities. Schools should be willing and able to inform parents how religious observance will be offered to their children.

While Scottish Ministers might be clear on the value that Religious Observance can have in schools for young people, in our experience parents are considerably less so. Yet again, this answer ignores all the problems we have documented, and the goals that the Government has expressed are far more likely to be met under opt-in

than under present arrangements. Better communication, something inherent in the proposed Opt In system, would ensure that the benefits can be communicated and shared with parents too. Opting In would ensure parental participation and feedback on how best Religious Observance can fit in with their values.

5. We will continue to work with Education Scotland, faith and non-faith groups to identify examples of good practice and areas needing support. In early 2014, Education Scotland is planning a Conversation Day for Religious Observance with representatives from local authorities, which will be an important step forward in our work to support practitioners in the delivery of Religious Observance.

We welcome this, and hope that there will be proper representation of the "nones", now the largest single group in Scotland. However, the Government response doesn't address the question, as it refers to delivery of Religious Observance, and the question was about alternatives. The Government views Religious Observance as an important part of "development of the learner's four capacities, as a successful learner, confident individual, responsible citizen and effective contributor." ¹, and also says that those who opt out should not suffer any detriment for doing so. How then does the lack of a defined alternative ensure that those who opt out are able to develop fully in the four capacities above?

6. Children and their parents at denominational schools have the same rights as those at nondenominational schools. It is widely accepted that many parents choose to send their child to a denominational school and therefore accept the faith element of the curriculum. Within denominational schools, the faith stance of the school is generally promoted across the curriculum and not just through RO and RME lessons. Children and young people are entitled to a broad general education and therefore it would not be possible to withdraw a child from every class or subject that may have a faith element

"Children and their parents at denominational schools have the same rights as those at nondenominational schools." We welcome this clear statement, having learnt of parents being advised otherwise.

7. [Do children at denominational schools have in law any less rights than those in non-denominational schools?] No.

Again, we welcome this. We are aware of several cases where, after opting out, parents were put under pressure to withdraw their children from denominational schools. Such abuses would not be possible under opt-in.

8. The Scottish Government is still of the opinion that based on the evidence provided the existing legislation is still relevant and up to date. There is scope to deepen practitioners' understanding of Religious Observance, the benefits it can bring, what good practice looks like and how schools can communicate effectively with parents about Religious Observance. We have read the additional submissions with great interest. A wide range of views are expressed, and people clearly have different perspectives, often linked to their own experiences. Overall, the submissions point on the one hand to significant support for Religious Observance in schools in terms of the experience and opportunities it can offer young people. On

the other hand, the submissions do point to the need for improvements in practice and communication, as outlined above at point 8 in particular.

Of the 29 non-complaint schools found in our previous audit of online handbooks in just 3 Local Education Authority areas, only 3 are now compliant as a result of the newly issued regulation of school handbook content. 20 remain non-compliant, and 6 have not made their handbooks available online. Adjusting for the number of handbooks which were unavailable, only 13% of handbooks have actually taken notice of the mandatory content now required by law. In addition, as shown by the letters from 3 different Local Education Authorities forwarded to us, there is confusion at LEA level about what is required. This shows that the new guidance has not had the desired effect.

We welcome the fact that the Government recognises the need for improvements, both in practice and in communication. However, the evidence we have collected shows, all too clearly, that the Government's recommendations, and even clear legal requirements, are often flouted. We do not believe that this situation will improve, so long as those with the greatest interest in maintaining the status quo can continue to be assured, by default, of a captive audience.

If RO possesses, or can be made to possess, the virtues claimed for it, these virtues will most readily be achieved through active engagement of the participants, starting with an active decision to engage in RO, as we are proposing.

In conclusion, the Government has laid out a welcome list of objectives, but in every case it seems clear that those objectives can more readily be attained under opt-in, as we propose, than under opt-out with its many unresolved problems, all of which flow from its unrealistic presumption of consent.

We would ask that the Petitions Committee, in the light of the remaining unanswered issues, the evidence showing that despite best efforts, the law is failing, and our shared desire to ensure no child is penalised because of their family's faith stance, send this petition to the Education Committee for further work and debate.

Respectfully,

Caroline Lynch
Chair
Scottish Secular Society

1. <http://www.educationscotland.gov.uk/thecurriculum/howdoyoubuildyourcurriculum/curriculumplanning/creatingaplan/religiousobservance/about/index>