A Guide for Non-religious Parents & Carers

KNOWING YOUR RIGHTS
Introduction

This booklet is a guide for non-religious parents and carers. It is designed to help you understand what the law says about religion in your child’s school.

We very often receive messages from parents and carers all across Scotland who ask for advice about opting their child out of religious observance, such as assemblies led by religious leaders, or would like to include non-religious views, such as Humanism - in their child’s RME class but are not sure how to do it.

Many parents and carers want to know what rights and options they have when it comes to the religious content of their child’s school, but are unsure about what the law says.

The most recent Scottish Social Attitudes survey shows well over two thirds of young people in Scotland are not religious, and the majority of adults in Scotland make the big decisions in life without relying on religious views.

Given this fact, we think it’s important that this group is recognised and respected within society alongside religious people, and that parents and carers like you are not made to feel excluded or different just because they don’t follow a religion.

This booklet will give you a guide to your legal rights here in Scotland. We hope you find it useful: do get in touch with us if you have any questions. This leaflet is intended as a guide to the law and is not an authoritative interpretation of the law.

We will always be here to defend the rights of non-religious people. A core part of Humanism is equality and respect, so whilst it’s important that you are able to challenge and debate religious ideas, we also have to remember to respect each other.

A tolerant society is one in which people can live together, and even be friends, despite disagreeing on important issues.

Thank you,

Gordon MacRae
Chief Executive
Humanist Society Scotland promotes Humanist values to people in Scotland, campaigns for an ethical, rational and secular future and gives voice to the millions of people in Scotland who live without religion.

We support a community of 15,000 members working together for a compassionate, dignified and respectful vision of Scotland and the world. We provide services, such as ceremonies and school visitors, which enable people to learn about Humanism and live their lives as Humanists.

Our Values

- The worth, dignity and autonomy of every person is respected and individual freedom is balanced with social responsibility and a duty of care for future generations;
- Ethical and moral problems are addressed with compassion, knowledge and reason;
- Scottish civic institutions are democratic and human rights are developed, embedded and protected;
- No belief system (religious or not) should have, nor expect, privilege in the democratic process.

As long as there have been groups of human beings living together, there have been humanists. Humanists are people who trust science and rational inquiry to help explain the universe around us, and who do not resort to supernatural explanations. Humanism is a positive life stance which puts human wellbeing at its heart, and promotes cooperation towards a shared common goal.

People who seek to live an ethical and fulfilling life based on reason and compassion are humanists. Humanist Society Scotland (HSS) works on behalf of humanists living in Scotland to promote humanist thinking, building networks of humanists across the country and influencing public policy.

HSS is a member of both the European Humanist Federation and the International Humanist and Ethical Union, helping develop the International Humanist movement and assist individuals who face discrimination or persecution of non-religious people around the world.
The Humanist Society Scotland has a vision that education in Scotland will be delivered in a way which ensures it:

- Is multi-denominational and inclusive to ensure all children and young people have equal access to all school activities
- Puts children and young people at the centre of decisions
- Is democratically run and accountable to its local communities
- Has objective learning, which increases understanding and tolerance of all religions and beliefs equally, with no instruction in any particular faith

Through our Enlighten Up initiative we are campaigning to ensure that all state funded schools are multi-denominational. This means bringing children and young people of all faiths, and those with no beliefs, together in all that they do.

Inclusive and multi-denominational education offers an opportunity for children from different backgrounds to learn and socialise together, breaking down the barriers that divide us and promoting social cohesion.

Children and young people should have the right to opt out of religious observance. Currently parents and guardians have the right to withdraw their children from these religious sessions but young people do not have this choice. This is despite calls from the United Nations to the Scottish Government to allow young people their own choice.

Current practice in religious and moral education varies from school to school. We believe it’s important that all pupils receive equal and comprehensive schooling, regardless of where they live or the religion of their parents.

In order to challenge prejudice it is important that children learn about the values and beliefs which inform the world around us. A crucial part of this is high-quality and inclusive Religious and Moral Education which teaches children how to think, not what to think.

Our campaign has four aims:

1. **Multi-denominational Education**
   We believe that all schools should bring children of differing faiths and beliefs together.

2. **Right to Choose**
   Children and Young People should have the right to opt out of religious observance in Scottish schools.

3. **Accountable Committees**
   We believe that all members of local education committees should be accountable to their communities through the ballot box.

4. **Objective and Inclusive Learning**
   We want pupils to learn objectively about all religions and beliefs.

Find out more at [www.enlightenup.scot](http://www.enlightenup.scot)
1. Religious Observance

This is where you are most likely to find religion in your child’s school. Religious observance began in 1872 when most schools in Scotland came under the administration of local government.

Back then it generally meant a Minister or Priest coming into your child’s school to lead Christian prayers. The meaning and interpretation of this has changed over the years but the law has not. The requirement to provide religious observance was continued in The Education (Scotland) Act 1980 which is one of the current laws governing schooling in Scotland.

The Scottish Government’s guidance to teachers defines religious observance as: “community acts which aim to promote the spiritual development of all members of the school community and express and celebrate the shared values of the school community.”

Religion manifests itself in many areas of school life. Such as religious observance, religious and moral education, school chaplains, and other school visits and activities.

It’s important to note that the original law from 1872 included an opt out clause which allows parents and carers of pupils to remove them from religious observance. This opt out still stands today.

In some schools, the content of religious observance has changed quite a lot from what it was originally. Now they may be religious themed assemblies, church visits for religious festivals or end-of-school term celebrations.

Many schools don’t even call it religious observance any more, but call it Time for Reflection. We welcome this move towards a more inclusive approach, which is less focused on prayers and religious worship but more about allowing pupils to reflect on a topic or moral issues without being led in a particular way of thinking. However, it’s important to note it is largely up to the headteacher to decide what the content of religious observance is.
2. Religious and Moral Education (Non-denominational schools only):

Religious and Moral Education (RME) is different from religious observance. It’s what used to be known as Religious Education (RE) or even Religious Instruction (RI).

Under the Curriculum for Excellence, RME helps young people learn about world religions, particularly Christianity. However it also includes a focus on non-religious worldviews such as Humanism and other elements such as opportunities for personal search and development.

In most primary schools RME is taught by the class teacher, and in secondary schools by a subject specialist. The law states that RME is a compulsory subject in pupils’ education in Scotland.

Many young people find RME to be a very interesting subject, particularly in the senior years when it looks at wider areas of philosophy and thought. It’s important that you know though that as with religious observance, you have a legal right to opt your child of RME if you wish to. You can read more about this in the opt out section.

3. School Chaplains

Many schools appoint Chaplains to provide advice and guidance to young people. Many of these Chaplains are religious, some are Priests and Ministers, others are Rabbis and other religious leaders.

Recently some schools have invited non-religious Humanists to become Chaplains.

School Chaplains are invited by the headteacher, and are there with the permission of the school. Young people do not have to engage with a Chaplain at all if they don’t want to.
4. School Visits and Other Activities

Some schools also undertake school visits to churches and other places of religious worship, as well as inviting religious groups to visit schools. The headteacher of your child’s school has a legal duty to inform you of any school visits in advance. It can be a good idea to ask if this happens in your child’s school.

Some young people and their families, opt out of these visits, and they have a legal right to do so if they wish.

An additional complication is that some schools, particularly primary schools, also hold their end-of-term awards ceremony during a church visit. It is important that schools separate religious visits from awards ceremonies.

The Scottish Government guidance says that: “There should be a clear distinction between assemblies devised for the purpose of Religious Observance and assemblies for other purposes such as celebrating success.”

Humanist Society Scotland believes that given the diverse nature of modern Scottish society it is inappropriate to hold end-of-term award events in churches. If you wish to object to these activities, please see the How Do You Make A Complaint? section.
Denominational schools have existed in Scotland since 1918, and are run and paid for by the Government. What makes a denominational school different is that it is run “in the interests” of a particular religious denomination.

Most denominational schools are Roman Catholic. However there are another four in Scotland: one is Jewish and three are Episcopalian.

1. Pupil Selection

The law (Education (Scotland) Act 1980) allows denominational schools to select pupils whose families have the same religion.

What this means in practice varies between different council areas, and also depends on the headteacher of the school. In some areas a denominational school may require you to provide evidence that you and your child are religious, such as a Baptismal certificate.

Roughly one in five secondary aged pupils in Scotland attend Roman Catholic denominational schools, though the pupils are not necessarily Catholic themselves.

There are four main ways that denominational schools differ from non-denominational schools.

This does not mean that non-religious young people do not attend denominational schools, many do. It’s also important to remember that denominational schools have exactly the same responsibility to respect your legal rights, and the rights of your children.

2. Teacher Employment

The law in Scotland also allows denominational schools to discriminate in favour of teachers who practice the religion of the school, over non-religious ones.

In practice this means that religious groups will often ask to vet or approve candidates for jobs in denominational schools ahead of their appointment.
A Guide to Religion in Denominational Schools

3. Religious Observance

The law requiring religious observance in denominational schools is the same as that for non-denominational schools.

Religious observance in denominational schools is likely to take the form of religious worship according to the religion of the school. In a lot of cases this will be Roman Catholic services.

4. Religious and Moral Education (RME)

In denominational schools RME is different.

Denominational schools do not follow the same religious education curriculum as non-denominational schools.

Religious observance is likely to be more frequent in denominational schools, and might be more difficult to opt out of. However, you still have a legal right to do so.

Whilst most schools will cover other religious beliefs, and some may cover non-religious beliefs, it will focus more on the religious belief of the school.
What are your Legal Rights?

As a parent or carer in Scotland you have a number of legal rights. All public bodies in Scotland, such as schools, local councils and even the Scottish Government have a duty to respect and promote your legal rights.

Here are some of the things to be aware of:

- **European Convention on Human Rights and Human Rights Act 1998**

  Often referred to just as the ECHR (not to be confused with the European Court of Human Rights, which is referred to as the ECtHR). The ECHR sets out many rights which you and your children are entitled to. This document is what is called a ‘treaty’, meaning that in the UK and Scotland it is not itself directly a law. However, the Human Rights Act 1998 incorporated many aspects of the ECHR into UK and Scots Law.

  **Note:** The outcome of the 2016 European Union Referendum will not affect the ECHR, as it relies on separate laws and treaties than the EU.

- **Scotland Acts**

  The Scotland Acts of 1998, 2012 and 2016 established The Scottish Parliament and led to devolution of many areas of law to Scotland. One of the most significant parts of these Acts was to bind The Scottish Parliament, Government and public bodies, to only act in a way which is consistent with the ECHR. This means that The Scottish Parliament cannot pass laws which are inconsistent with the ECHR, and that if a decision of the Scottish Government is found to be incompatible with the ECHR, it can be challenged in the courts and overturned.
What are your Legal Rights?

1. You have a Right to know about Religious Observance

Your child’s school has a legal duty to make sure that school handbooks contain clear information about when, how often and what form of religious observance takes place - as well as clear information about how to withdraw your child from it if you wish.

This is a statutory responsibility under the Education (School and Placing Information) (Scotland) Regulations 2012.

2. Your Child’s Right to a worthwhile alternative

If you choose to withdraw your child from religious observance, or RME, they have a right to be given a worthwhile alternative by the school.

Your child’s right to be given a worthwhile activity is set out in guidance from the Scottish Government in 2017 to all headteachers, called Provision of Religious Observance in Schools.

The guidance says specifically that “In no circumstances should a child be disadvantaged as a result of withdrawing from religious observance.”

3. Your Child’s School has a duty to respect their Beliefs, whether religious or not

Your child’s school and local council should be aware of its public sector equality duty to respect the beliefs of all individuals under the 2010 Equality Act, including those with non-religious beliefs, such as Humanists.

4. Your Child has the Right to have their views and wishes heard, and so do you

The Standards in Scotland’s Schools etc Act 2000 requires your child’s school and local council to take into consideration the child’s views when it makes any decisions which may affect them. This is something underpinned by the United Nations Convention on the Rights of the Child (UNCRC) which the Scottish Parliament have adopted into law. Under this all children have the right to express their views, however, age and maturity are taken into consideration as to the weight given to those views in decision making. Children also have a right to have religious or non-religious views, which should be equally respected.

Similar responsibilities are placed on your child’s school and local authority by the Children & Young People (Scotland) Act 2014.

If you want to get help to understand what these mean for you in practice, you can contact the Equality and Human Rights Commission.
How to Opt Out

At the moment in Scotland children and young people do not have a legal right to opt out of religious observance, or RME. This can only be done by a parent or carer.

If you wish to opt your child out of religious observance, you must let the head teacher of their school know. We have provided a template letter that you can download and edit. You can find it on our website: www.enlightenup.scot

Always remember that your child’s school has a duty to provide a worthwhile alternative if you opt them out of religious observance or RME. You may wish to suggest some of our Non-religious resources for schools.

If you need help, contact the Humanist Society Scotland helpline: email advice@humanism.scot or call 0800 133 7316.
How do you make a Complaint

If you are unsatisfied with how your child’s school have dealt with any of your requests, or feel that your rights or your child’s rights have not been respected, you can always get in touch with us through our helpline service and we will do our best to help you.

We recommend the following as the best route for dealing with a complaint:

1. **Speak to your child’s Guidance teacher or Headteacher**

   In the first instance speaking to a guidance teacher or headteacher can usually resolve any issues. Teachers are very busy people, and it may be useful for you to take this booklet along to help them understand your legal rights.

2. **Speak to other parents**

   Many parents and carers find it useful to discuss their concerns with other parents, usually you find out that you are not alone.

   If your child’s school has a Parent Council (or similar body) it can be a really good option to speak to them. In some cases representatives from the school will attend, and you can discuss your concerns in that forum (parent councils in denominational schools usually have representatives from religious groups).

3. **Get in touch with your local council**

   If you are not able to resolve an issue by speaking to your child’s guidance teacher or headteacher, you should contact your local council. The procedure will vary from area to area, but there will be someone in your council, usually called an Education Officer, whose job it is to oversee standards and ensure that schools are following the law and policy set by the Scottish Government.

   If you are concerned about the conduct of a teacher, you can complain directly to their professional body, The General Teaching Council for Scotland. This should only be considered if you question the person’s fitness to teach, and not as a result of local or national policy.

4. **Contact your local MSP**

   If contacting the local council has not been successful, the next stage would be to contact your local Member of the Scottish Parliament (MSP). MSPs are elected every four or five years to represent you in The Scottish Parliament.

   MSPs also deal with complaints and enquiries from local people, and are able to help resolve issues by getting in touch with decision makers.

5. **Contact the Scottish Public Services Ombudsman (SPSO)**

   The Scottish Public Services Ombudsman is the final stage for complaints about councils. You can find details of the organisation’s complaints procedure on their website, or by contacting them directly (details at the end of this document).

6. **Campaign for change!**

   If you are unable to resolve the issue by contacting your MSP, it may be the case that your issue cannot be resolved without changing the law or current policy.

   This can seem very intimidating, but campaign groups like HSS do this every day.

   You could start locally, by joining a parent council or arranging a petition. You might want to join a campaign group like HSS, or even stand for election as an MSP!
We provide a range of free education resources on Humanism for use in Curriculum for Excellence. These consist of worksheets, lesson plans and videos. They are all free to download. Why not recommend them to your child’s teacher? Or even have a look yourself?

Our education resources cover a range of topics such as the environment, bioethics, understanding Humanism, origins of life and much more.

You can view and download them all for free at: www.humanism.scot

We have a network of trained school volunteers who are available to visit your child’s school and give a talk or a workshop on Humanism. This can be a great way to help young people understand what Humanism is, and give a different perspective to religious belief.

Many schools find it useful to invite a Humanist school volunteer to take part in a panel or discussion group with representatives of religious faith groups.

You can find out more and get in touch with a Humanist school volunteer at www.humanism.scot.
Parenting Across Scotland
Phone: 0131 313 8816
Email: aclancy@childreninotland.org.uk
Web: www.parentingacrossscotland.org
Parenting Across Scotland is a partnership of charities which offers support to children and families in Scotland.

Humanist Society Scotland
Phone: 0800 133 7316
Email: advice@humanism.scot
Web: www.humanism.scot
Humanist Society Scotland seeks to represent the views of people in Scotland who wish to lead ethical and fulfilling lives guided by reason, empathy and compassion. We provide a range of non-religious ceremonies and campaign for a secular state. HSS has over 15,000 members across Scotland.

Citizens Advice Scotland
Phone: 03454 04 05 06
Web: www.cas.org.uk
Citizens Advice Scotland’s 61 member bureaux and consumer helpline together form Scotland’s largest independent advice network.

ParentLine
Phone: 08000 28 22 33
Email: parentlinescotland@children1st.org.uk
Text: 07860 022844
Web: www.children1st.org.uk/parentline-scotland
ParentLine is Scotland’s free helpline, email and web-chat service, for anyone caring for or concerned about a child - open until 9pm Monday to Friday.

Scottish Youth Parliament
Phone: 0131 557 0452
Web: www.syp.org.uk
The Scottish Youth Parliament represents Scotland’s young people. Their vision for Scotland is of a nation that actively listens to and values the meaningful participation of its children and young people.

One Parent Families Scotland
Phone: 0808 801 0323
Web: www.opfs.org.uk
Email: helpline@opfs.org.uk
One Parent Families Scotland aims to encourage and enable parents across Scotland to make the most of the opportunities available to them so they can flourish as happy, healthy and achieving families.

Scottish Child Law Centre
Phone: 0800 328 8970
Text: text 'SCLC' and your question to 80800
Web: www.sclc.org.uk
Free legal advice for under 18s - they can help you with any questions about the law.

Scottish Public Services Ombudsman
Phone: 0800 377 7330
Web: www.spso.org.uk
The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about councils, colleges and universities, the Scottish Government and its agencies and departments and most Scottish authorities.

Education Scotland
Phone: 0131 244 4330
Email: enquiries@educationscotland.gov.uk
Web: www.educationscotland.gov.uk
Education Scotland is the national body in Scotland for supporting quality and improvement in learning and teaching.

The Equality and Human Rights Commission
Phone: 0845 604 5510
Web: www.equalityhumanrights.com
The Equality and Human Rights Commission Helpline gives information and guidance on discrimination and human rights issues.