



**Humanist
Society
Scotland**

For an ethical future

A Guide for Non-religious Parents & Carers

Knowing Your Rights



About Humanist Society Scotland

We are Scotland's national humanist charity. We help to make Scotland a more rational, secular, and humane country.

We speak for people in Scotland with a non-religious, humanist view of life. We want to create a Scotland built on respect for human rights and individual autonomy rather than religious rules. We are also Scotland's original and most trusted provider of humanist weddings, funerals, and naming ceremonies.

What is humanism?

Humanists believe in finding out about the world by thinking and looking rather than magical explanations or unquestioned rules. We think science can explain many things, but we also know it's important that people are

happy and treat each other well. We promote cooperation towards a better world for human beings, plants, and animals, because we know this life and planet are all we have.

If you want to be a good person and live a happy life, but you're not interested in being a part of any religion, you might be a humanist. If so, Humanist Society Scotland speaks up for you and for thousands of people like you around the country. We try to change the way laws work so that they treat people as individuals rather than favouring religion or big organisations, and we put humanists in touch with each other so they can learn and grow together.

We are a member of Humanists International, working with groups around the globe. We also help to promote humanism across the world, and we support people who are in danger because they don't believe in the religion of their country.

Our values



Co-operation

We will reach out and work with others for positive change and equality.



Integrity

We are committed to our humanist principles and will act honestly.



Reason

We will use evidence and thought to guide and direct what we do.



Courage

We will be courageous in our work. We will stand up for what we believe is right, and challenge where needed.



Sustainability

We will work in a sustainable way that assures our future strength, and seeks to minimise negative impacts on the wider environment.

Our Vision for Education

We believe education should:

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

We think young people should have the right to opt out of religious observance at school. Currently, parents and guardians have the right to withdraw their children from these religious sessions but young people do not have this choice. We believe this contravenes the United Nations Convention on the Rights of the Child.

We are also campaigning to have voting rights removed from religious representatives on local councils' education committees. Scottish law currently requires councils to appoint three such representatives, but there is no obligation for them to have voting rights. In spite of this, many councils still allow these unelected faith advocates to have more say in the local education system than parents or teachers.

We also think 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.



A Guide to Religion in Non-denominational Schools

Non-denominational schools do not adhere to any particular religion (as opposed to, say, Roman Catholic schools). However, non-denominational does not mean non-religious. Religion expresses itself in many areas of non-denominational school life, including religious observance, religious and moral education, school chaplaincies, and other school visits and activities.

1. Religious observance

This is where you are most likely to encounter religion in your child's education. Religious observance in schools has been practised since 1872, when it generally involved a minister or priest leading Christian prayers.

The meaning of religious observance has since changed, but the requirement to provide it has not. The Education (Scotland) Act 1980, one of the current laws governing schooling in Scotland, makes religious observance a legal requirement. 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" (Curriculum for Excellence, 2017).

For as long as religious observance has been practised in schools, parents and carers have been able to "opt out" their children. Additionally, the content of much religious

observance has changed over the last few decades. It may now comprise religiously themed assemblies, church visits for religious festivals, or end-of-term celebrations. Schools may not refer to religious observance at all, but instead use the phrase "time for reflection." But the way in which religious observance is applied is largely up to the headteacher.

2. Religious and moral education (non-denominational schools only)

Religious and moral education (RME) helps young people learn about world religions, particularly Christianity. It also includes a focus on non-religious worldviews such as Humanism and other elements such as opportunities for personal development.

Unlike religious observance, RME is part of the school curriculum. It used to be known as Religious Education or Religious Instruction. 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 very interesting, but you do have a legal right to opt your child out of RME. 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 chaplains are religious. Some are priests or church ministers, others are rabbis or represent other religions. Recently, some schools have invited 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 if they don't want to.

4. School visits and other activities

Some schools offer visits to churches and other places of religious worship, as well as inviting visits from religious groups. The headteacher of your child's school has a

legal duty to inform you of any school visits in advance. Some young people and their families opt out of these visits, and they have a legal right to do so.

Some schools, particularly primary schools, hold end-of-term awards ceremonies during church visits. It is important that schools separate religious visits from awards ceremonies. However, Scottish Government guidance states: "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 does not believe that award ceremonies should be held in churches, given the diverse nature of Scottish society. If you want to object to these activities please see the "How Do You Make A Complaint?" Section



A Guide to Religion in Denominational Schools

Denominational schools have existed in Scotland since 1918 and are run and paid for by the Government “in the interests” of a particular religious denomination. Most denominational schools in Scotland (360) are Roman Catholic, but one is Jewish and three are Episcopalian. Roughly one in five secondary-aged pupils in Scotland attends a Roman Catholic denominational school, though they will not necessarily be Catholic themselves. There are four main ways that denominational schools differ from non-denominational schools. These have to do with pupil selection, teacher employment, religious observance, and religious and moral education (RME).

1. Pupil selection

The Education (Scotland) Act 1980 allows denominational schools to select pupils whose families adhere to the relevant religion. What this means in practice varies between different council areas, and can also depend on the headteacher. In some areas a denominational school may require you to provide evidence that you and your child are religious, such as a Baptismal certificate.

Nonetheless, many non-religious young people attend denominational schools. Denominational schools have exactly the same responsibility to respect your legal rights, and the rights of your children, as non-denominational schools.

2. Teacher employment

The law in Scotland allows denominational schools to discriminate in favour of teachers who practise 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.

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.

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 on your child's behalf.

4. Religious and moral education (RME)

Denominational schools do not follow the same religious education curriculum as non-denominational schools. RME is more likely to focus on the religious belief of the school, although most denominational schools will also spend some time covering other belief systems.

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.

Some relevant laws and treaties:

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) this convention sets out many rights to which you and your children are entitled. The ECHR is a “treaty,” meaning it is not directly followed as a law in the UK or Scotland. But the UK’s Human Rights Act 1998 incorporated many aspects of the ECHR into UK and Scots Law. The UK currently remains signed up to the ECHR in spite of leaving the European Union.

Scotland Acts

The Scotland Acts of 1998, 2012, and 2016 established The Scottish Parliament in its current form, leading to devolution across many aspects of Scottish law. One of the most significant impacts of these acts is that the Scottish Parliament, Scottish Government, and Scottish public bodies must act consistently in line with the rules of the ECHR. For example, laws cannot be passed which are inconsistent with the ECHR.

Your specific legal rights are as follows:

1. You have a right to know about religious observance

Your child’s school is legally bound to provide clear information in its handbook about when, how often, and in what form religious observance takes place, as well as information on how to withdraw your child. This is a statutory responsibility under the Education (School and placing Information) (Scotland) Regulations 2012.

2. Your child has a right to a worthwhile alternative

If you choose to withdraw your child from religious observance or RME the school is required to offer them a worthwhile alternative activity. This is set out in guidance sent to all headteachers in 2017 by the Scottish Government called “Provision of Religious Observance in Schools.”. The guidance states that “in no circumstances should a child be disadvantaged as a result of withdrawing from religious worship.”

3. Your child’s school must 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. You and your child have the right for your views and wishes to be heard

The Standards in Scotland's Schools etc Act 2000 requires your child's school and local council to consider the child's views when making any decisions affecting them. This is underpinned by the United Nations Convention on the Rights of the Child (UNCRC), which the Scottish Parliament has adopted into law. Under this convention all children have the right to express their views, although age and maturity are taken into consideration when considering the decision-making weight of those views.

Children also have a right to have religious or non-religious views, which should be equally respected. The Children & Young People (Scotland) Act 2014 contains similar provisions. 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

Currently, children and young people in Scotland do not have a legal right to opt out of religious observance or RME. However, parents or carers are entitled to make this decision. If you wish to opt your child out of religious observance you must let the headteacher of their school know. We have provided a template letter that you can download and edit. You can access it via our education resources page at humanism.scot/get-involved/education-resources/ or download it directly using this link: humanism.scot/wp-content/uploads/2023/06/Letter-requesting-withdrawal-from-RO-for-parents-carers.docx

Remember, your school is required to provide a worthwhile alternative if you remove them from religious observance. You might wish to suggest some of the resources we have provided at humanism.scot/get-involved/education-resources/.

How to Make a Complaint

If you are unhappy with how your child's school has dealt with your requests, or if you feel that your rights or your child's rights have not been respected, you can get in touch with us on 0300 302 0680 and we will do our best to help you.

We recommend the following routes 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 may resolve any issues. Teachers are often very busy 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. Often you will not be alone in your concerns. If your child's school has a parent council or similar body you may be able to raise your problems there. Many parent councils include school representatives. Bear in mind that denominational schools' parent councils usually include religious representatives.

3. Get in touch with your local council

If you cannot 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, who oversees standards and ensures that schools are following laws and regulations.

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, not as a result of local or national policies.

4. Contact your MSP

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

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 are provided 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.

You could start locally by joining a parent council or arranging a petition. You might want to join a campaign group like Humanist Society Scotland, or get involved with politics at a local level.

Non-religious resources for schools

We provide a range of free education resources on humanism for use in the 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 humanism.scot/get-involved/education-resources.



Key Contacts

Citizens Advice Scotland

Phone: 0800 028 1456

Web: www.cas.org.uk

Citizens Advice Scotland's 61 member bureaux and consumer helpline together form Scotland's largest independent advice network.

Education Scotland

Phone: 0131 244 4330

Email: enquiries@education.scotland.gov.uk

Web: www.education.gov.scot

Education Scotland is the national body in Scotland for supporting quality and improvement in learning and teaching.

Equality Network

Phone: 0131 467 6039

Email: en@equality-network.org

Web: www.equality-network.org

The Equality Network aims to bring about equality for lesbian, gay, bisexual, transgender and Intersex (LGBTI) people in Scotland.

Humanist Society Scotland

Contact: humanism.scot/contact-us/

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.

One Parent Families Scotland

Phone: 0808 801 0323

Email: advice@opfs.org.uk

Web: www.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

Parenting Across Scotland

Email: info@parentingacrossscotland.org

Web: www.parentingacrossscotland.org

Parenting Across Scotland is a partnership of charities which offers support to children and families in Scotland.

ParentLine

Phone: 08000 28 22 33

Text: 07860 022844

Web: www.children1st.org.uk/help-for-families/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 Child Law Centre

Phone: 0300 3301 421

Email: advice@sclc.org.uk

Web: www.sclc.org.uk

Free legal advice for under-18s. SCLC can help you with any questions about the law

Scottish Human Rights Commission

Phone: 0131 297 5750

Email: hello@scottishhumanrights.com

Web: www.scottishhumanrights.com

The Scottish Human Rights Commission promotes and protects human rights for everyone in Scotland. It is an independent public body, accountable to the people of Scotland through the Scottish Parliament.

Scottish Youth Parliament

Phone: 0131 557 0452

Contact: syp.org.uk/contact-us

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 its children and young people's views.

Scottish Public Services Ombudsman

Phone: 0800 377 7330

Contact: www.spsso.org.uk/contact-us

Web: www.spsso.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

The Equality and Human Rights Commission

Contact: equalityhumanrights.com/en/contact-us

Web: www.equalityhumanrights.com

The Equality and Human Rights Commission Helpline gives information and guidance on discrimination and human rights issues.





www.humanism.scot

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