



The Scottish Parliament
Pàrlamaid na h-Alba

Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill

Background

The Equalities, Human Rights and Civil Justice Committee has launched an online call for views on the [Children \(Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty\) \(Scotland\) Bill](#).

The Bill changes the process for withdrawing pupils from religious instruction or religious observance at school. It also changes how the compatibility duty on public authorities in the United Nations Convention on the Rights of the Child (Scotland) (Act) 2024 operates if there are conflicting statutory duties.

The call for views is open until **1 September 2025** and they are keen to get views from all stakeholders e.g. parents, teaching staff, churches and other Christian organisations.

Call for views closes 1 September 2025

When responding to the call for views, the form will ask you the following questions:-

- 1. What are your views on the proposed changes in the Bill to require that a child is informed if their parent asks for them to be withdrawn from either or both RME/RE and religious observance in school?*
- 2. What are your views on the proposed changes in the Bill to require that a child is given the chance to express their views; and where the child's views are different from the parent's views, the school would have to follow the child's wishes?*
- 3. What do you anticipate being the implications of this Bill for schools, pupils and parents?*
- 4. What insights or experiences do you have regarding how the right to withdraw from religious observance and RME/RE currently works in schools?*
- 5. This Bill will introduce an exemption to the section 6 compatibility duty of the UNCRC Act in circumstances where a public authority is compelled to act incompatibly with UNCRC requirements in fulfilment of another Act of the Scottish Parliament. This mirrors the approach taken to Acts of the UK Parliament. Do you have any thoughts on this approach?*

Review of the UNCRC and the proposed Bill

Sandra Blair, Youth for Christ Scotland Lead and CVE Scotland Trustee

On the whole, the incorporation of the United Nations Convention on the Rights of the Child (UNCRC) into Scots law in the summer of 2024 was a positive step. The positioning of this Bill amendment is also good as it continues with a default position of pupils being part of Religious and Moral Education/Religious Education, where the parent and pupil can decide to 'opt-out' rather than parents being required to 'opt-in'.

I believe the key thing is that as Christians there is nothing within the UNCRC that pushes against what we believe as Christians. If anything, it's what we should be for! However, as with everything in this broken world, there needs to be an important balance in how these rights are taught, understood and held by children, young people and adults. This is not the green light for children to feel 'I get what I want all the time and if you're not giving me what I want then you're abusing my rights'... it's not a green light for adults to disregard or not care about what the direct and indirect impact is of their decisions on the children/young people involved'. All human rights, whether an adult or a child with these specific rights within the UNCRC must be held alongside how we teach/train/help each other to be responsible for our actions and how what we do impacts those around us.

These rights when they are held alongside responsible behaviour should help and encourage children and young people to thrive and live in safety. As adults & teachers we have a responsibility to help children and young people to build the mental ability to reason out the impact of their decisions and behaviour...something they cannot do on their own as that part of their brain isn't fully developed until they are in their 20's...they need our help, patience and willingness to draw alongside to talk.

It is good that the Bill is not pushing for automatic removal of all religious observance/education and that pupils choose to opt in.

I think it's also a good thing that a child is informed if parents are choosing to withdraw them as it opens a conversation about it between the child, parent and school. Hearing the child's views is also a really good thing.

I guess the part that becomes 'interesting' is that the school would have to follow the child's wishes (which in this case would lead to them not being removed from RE/Religious Observance...a good thing in our eyes). Sometimes parents are trying to do what is best for their child when the child doesn't see it that way so I don't think it should be an automatic default to whatever the child wants.

The UNCRC doesn't state that a child should get their own way all the time, it clearly states in Right 3 that all adults should do what is best for the child. It also states in Rights 28 & 29 that they hold the right to a full education that helps them develop physically, mentally, emotionally and spiritually.

Right 12 says “Children have the right to give their opinions freely on issues that affect them. Adults should listen and take children seriously.” That doesn’t mean that what they want is what happens every time.

Right 18 says “Parents are the main people responsible for bringing up a child. When the child does not have any parents, another adult will have this responsibility, and they are called a “guardian”. Parents and guardians should always consider what is best for that child. Governments should help them. Where a child has both parents, both should be responsible for bringing up the child.”

All that to say that I think it’s right for the child to know they are being removed from RE/Religious Observance, that it’s right that the child has a say and is part of the decision making process and can put forward why they want to stay in that space and what they say is proactively considered and holds equal measure with other potential outcomes, however, with a wider angle view beyond RE/Religious Observance to how this could play out in other subjects/areas – rights don’t always equate to getting what you want as a child/young person so whatever the decision is that’s taken by the parents/school/child together, it has to be clearly explained to the child and show that their views have been taken into account but it won’t always mean what the child/young person wants is what they get.

The implications of this could mean that a lot of time is taken from hard working teachers/senior leadership teams in schools that are already busy to facilitate conversations between parents, children/young people and the school and could add even more administration to an already heavily loaded amount of school paperwork.

I am thankful for the position taken in the 5th question posed in the call for views form, as that may be the clear route for ensuring that the wisest route is taken and not just defaulting to what a child/young person wants which may not always be the wisest thing for them.

My final thought on all of this is that there has been a significant amount of effort put into teaching pupils about what their rights are but a lot of the time it has missed the messaging about how ‘with rights come responsibilities’. I have watched a young person who was removed from a bus, abusing the driver and demanding that they had a right to be on that bus no matter how the young person was behaving. It escalated to the point that the young person was stood in front of the bus trying to stop it from leaving and yelling about how their rights were being abused! That young person missed being educated on how these rights come with the responsibility to behave wisely, sensibly and respectfully of those around him. If anything, there’s a real need to readdress the balance on how rights and responsibility are taught side by side and interact with each other!

Link to the UNCRC breakdown - <https://www.unicef.org.uk/wp-content/uploads/2016/08/unicef-convention-rights-child-uncrc.pdf>

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