Consultation on Draft Statutory Guidance on Religious Observance in Schools

Background

We are seeking views on draft statutory guidance relating to religious observance (RO) in Scottish schools.

The Education (Scotland) Act 1980 makes provision relating to religious observance and religious instruction in public and grant-aided schools. When the relevant provisions in the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Act 2026 (the Act) come into force, there will be a new legal requirement to consider the pupil's views where a parent requests their withdrawal from religious observance. The Act also requires Scottish Ministers to publish statutory guidance within 12 months of these provisions coming into force.

The Scottish Government has developed this draft guidance to support schools, education authorities and managers of grant-aided schools in implementing the new requirements. It is also intended to support parents and pupils to understand the new legal requirements.

The draft guidance will replace the 2017 non-statutory guidance on religious observance and is intended to assist education authorities and school leaders in the planning and delivery of religious observance. It covers:

- the meaning of religious observance;
- planning and delivery of religious observance;
- information for parents and pupils;
- requests for withdrawal from religious observance;
- assessing a pupil's capacity to form a view;
- arrangements for withdrawn pupils;
- inclusive religious observance;
- denominational schools; and
- related matters.

Religious observance plays an important role in supporting pupils' spiritual development and in expressing and celebrating the shared values of the school community. The guidance aims to provide clear and practical support for schools and education authorities to meet their statutory duties while delivering meaningful and inclusive religious observance.

Overview of the Consultation

The purpose of this consultation is to gather views on the draft statutory guidance before it is finalised.

Your feedback will help inform the final version of the guidance and ensure it is workable in practice for schools, education authorities, parents, pupils and wider stakeholders.

We are particularly interested in your views on:

- whether the guidance accurately reflects religious observance in different school settings;
- whether the proposed processes are practical and proportionate;
- whether the guidance supports inclusive approaches to religious observance; and
- whether any further clarification or detail would be helpful.

It is important to note that the guidance will operate within the framework established by the Act, and cannot change the legal requirements detailed in it.

Consultation Questions

Meaning of Religious Observance

1. The draft guidance includes a section on the meaning of religious observance.

   a) To what extent do you think this section accurately describes what religious observance in non-denominational schools should be?
      - Very accurately
      - Fairly accurately
      - Not very accurately
      - Not at all accurately
      - Don't know / not applicable

   b) Does the definition of religious observance provide sufficient clarity on what religious observance is in denominational schools (as opposed to religious and moral education or religious education in Roman Catholic schools)?
      - Very clear
      - Fairly clear
      - Not very clear
      - Not at all clear
      - Don't know / not applicable

   c) How clear is the guidance about which activities constitute religious observance and which do not?
      - Very clear
      - Fairly clear
      - Not very clear
      - Not clear at all
      - Don't know

   d) Are the examples provided at paragraph 4.5 helpful in understanding the distinction between religious observance and other school activities?
      - Yes
      - No

e) Is there anything in this section that you think is unclear, inaccurate or requires further examples?

Inclusive Religious Observance

2. The draft guidance includes a section on inclusive religious observance

   a) How helpful is the guidance in supporting schools to provide religious observance that is inclusive of pupils and staff with different religious and non-religious beliefs?
      - Very helpful
      - Fairly helpful
      - Not very helpful
      - Not at all helpful
      - Don't know

   b) Are there any changes or additional steps that you think would help schools ensure religious observance is inclusive?

   c) Are there circumstances in which the proposed approach could inadvertently exclude or disadvantage somebody?

Process for Considering a Withdrawal Request

3. The draft guidance includes a section on the process for considering a request for withdrawal from religious observance.

   a) How clear is the proposed process for considering a request for withdrawal from religious observance?
      - Very clear
      - Fairly clear
      - Not very clear
      - Not clear at all
      - Don't know

   b) How workable do you think the proposed process would be for schools in practice?
      - Very workable
      - Fairly workable
      - Not very workable
      - Not workable at all
      - Don't know

   c) How clear is the guidance on the rights of children and young people in relation to religious observance and the duties placed on schools in respect of those rights?
      - Very clear
      - Fairly clear
      - Not very clear
      - Not clear at all

- Don’t know

d) What, if any, practical difficulties do you think schools could experience in applying this process? How could these be addressed?

Capacity Assessment

4. The draft guidance includes a section on assessing a pupil's capacity to form a view.

   a) How clear is the guidance on assessing whether a pupil is capable of forming a view?
      - Very clear
      - Fairly clear
      - Not very clear
      - Not clear at all
      - Don’t know

   b) Do you think the guidance provides sufficient support for schools to make these assessments consistently and appropriately?
      - Yes
      - No
      - Not sure

   c) Are there any practical difficulties schools may encounter when assessing capacity, or any additional guidance or support that would be helpful?

Activities for Withdrawn Pupils

5. The draft guidance includes information on arrangements for pupils who are withdrawn from religious observance, and how withdrawal works in practice

   a) Do you agree or disagree that a "present but not participating" approach can be an appropriate means of accommodating withdrawal from religious observance in certain circumstances, where the pupil and parent agree?
      - Agree
      - Disagree
      - Not sure

   b) In what circumstances do you think this approach would or would not be appropriate?

   c) Do you think the guidance provides sufficient clarity about what schools should provide for pupils who are withdrawn from religious observance?
      - Yes
      - No

   d) If your answer to question **5(c)** is <u>No</u>, what further information or clarification would be helpful?

Overall Guidance

6. Considering the overall guidance
   a) Overall, how clear do you find the draft guidance?
      - Very clear
      - Fairly clear
      - Not very clear
      - Not clear at all
      - Don't know

   b) Overall, how confident are you that the guidance can be implemented effectively in practice?
      - Very confident
      - Fairly confident
      - Not very confident
      - Not confident at all
      - Don't know

   c) Do you think combined guidance for both denominational and non-denominational schools is helpful, or do you think separate guidance would be more appropriate?
      - Combined
      - Separate
      - No preference / not sure

   d) Are there any further items that the guidance should cover or should provide more detail on? If so, what would be helpful?

   e) How helpful do you find the templates and practical materials in the annexes?
      - Very helpful
      - Fairly helpful
      - Not very helpful
      - Not helpful at all
      - Don't know

   f) Do you think the guidance is sufficient to enable schools to communicate the right to withdraw and the process for exercising the right clearly and impartially?
      - Yes
      - No
      - Not sure

What Will Happen After the Consultation Closing Date

Responses will be analysed and considered alongside other available evidence. The consultation responses will be used to inform revisions to the draft guidance before it is finalised and published.

An analysis report summarising consultation responses will also be published.

Responding to this Consultation

We are inviting responses to this consultation by 19 January 2027.

Please access and respond to this consultation using the link provided: https://consult.gov.scot/education/7a60b791

You can save and return your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 19 January 2027.

If you are unable to respond using our consultation hub, you may submit a response to us via email at ROandRME@gov.scot

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

To find out how we handle your personal data, please see the attached privacy policy.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at Scottish Government consultations - Citizen Space. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at ROandRME@gov.scot.

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online at: Scottish Government consultations - Citizen Space. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.