

**Equalities, Human Rights and Civil Justice Committee:
Children (Withdrawal from Religious Education and
Amendment of UNCRC Compatibility Duty) (Scotland) Bill
1 September 2025**

NASUWT welcomes the Equalities, Human Rights and Civil Justice Committee's call for views on the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill.

NASUWT is the Teachers' Union, representing teachers and school leaders in all sectors of education and across all 32 local authorities in Scotland.

SPECIFIC COMMENTS

- 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your views on the proposed changes in the Bill to require that a child is informed if their parent asks for them to be withdrawn from either or both RME/RE and religious observance in school?**

The proposal is to strengthen the current Scottish Government non-statutory guidance that schools should ensure learners' views are taken into account in discussions regarding their school experience in relation to religious observance. There is limited evidence to demonstrate the volume of such requests currently being received by schools.

Where schools are already giving due weight to the views of the child, there should, in theory, be no extra burdens. Certainly, NASUWT considers that schools and teachers in Scotland are very familiar with Article 12 of the United Nations Convention on the Rights of the Child (UNCRC):

‘assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.’

Nevertheless, with a formal statutory consultation process, which will likely garner some national press, there is likely to be an increased awareness within the general public of the right to request withdrawal and, consequently, the possibility of an increase in the number of cases which schools will be required to manage.

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? Please note, this only applies where the parent wishes to withdraw their child, but the child wishes not to be withdrawn.

NASUWT has not objected in principle to the proposed changes, but the Union believes there must be an urgent assessment undertaken to establish any consequential burdens for teachers and schools that might be created because of the proposed changes. Thereafter, a plan must be instituted to mitigate these burdens. Guidance should also be provided as to how the balancing exercise should be carried out.

NASUWT has been consistently clear, in terms of the implementation of the UNCRC, that it is insufficient to stipulate a test that should be applied without also giving practical guidance on how that test should be applied: for example, what do schools do where one parent shares the view of their child but the

other does not? Leaving schools to navigate such complexities would be inappropriate, particularly in the context of an updated provision, set out in primary legislation.

3. What do you anticipate being the implications of this Bill for schools, pupils and parents?

Any mechanism adopted must have a clear and easily understood process and procedure alongside a clear workload impact assessment.

Excessive workload has a huge impact on teachers' health, safety and wellbeing and undermines their ability to teach effectively. Four in every five teachers say that their workload and the stress of the job have increased, over half of teachers say that their job has negatively affected their physical health in the last 12 months, and four in five say their job has adversely affected their mental health. Two-thirds of teachers tell us that they are seriously considering leaving the profession because of concerns about excessive workload. There is no capacity within the system for additional bureaucracy.

4. What insights or experiences do you have regarding how the right to withdraw from religious observance and RME/RE currently works in schools?

Schools may include information on the right to withdraw from religious observance within standard communications, such as the school handbook, the school website, or within parent/carers newsletters. As with much educational practice in Scotland, such communication processes will likely vary between schools and local authorities.

In order to access their right to withdraw, parents are usually required to make an individual approach to the school or headteacher. This makes any request naturally reactive. It is not customary to approach individual families or pupils to query whether they would wish to withdraw, as such a request might easily

be construed as less favourable treatment or a detriment in terms of a right to access education, or in terms of the duties set out within the Equality Act and the Public Sector Equality Duty.

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?

NASUWT believes that greater openness and transparency is required in the framing of the proposal. The UNCRC Act cannot apply to reserved matters, or devolved matters that are currently legislated for in Westminster enactments. The profound consequences of these limitations are routinely ignored by the Scottish Government. In the context of the education system, key fundamental 'omnibus' legalisation, such as the Education (Scotland) Act 1980 and the Children (Scotland) Act 1995, which provide the legal footing for the operation of schools and other education-related services, have been found to be beyond the scope of the UNCRC Act (even though they relate to devolved matters). Therefore, as a proposed amendment to the 1980 Act, any references to the UNCRC are redundant as this is an amendment to a Westminster Act which is out of the reach of the UNCRC Act.

As the amendments in relation to UNCRC compatibility are unnecessary, because those aspects of the Bill that relate to withdrawal from RME/RE are outside the scope of the UNCRC Act, the purpose of this aspect of the proposed legislation is unclear. The reasons for the UNCRC aspects of the Bill have not been set out clearly by the Scottish Government in the policy memorandum and the Committee should, as a priority, seek further evidence from Scottish Ministers or Scottish Government officials to clarify this point.

6. Have you got any other comments on the Bill?

The UN Committee on the Rights of the Child reports on treaty compliance for the UNCRC and has said that the UK's law on collective worship is outdated and violates the treaty, which the UK ratified back in 1991. One of the key recommendations made by the UN Committee is for children under 16 to be given a right to withdraw from collective worship. The proposal may seem to offer a reasonable way forward to ensure that children in Scotland do have the right to withdraw from collective worship without parental permission. Nevertheless, as set out in our response above, such legislative change would require to be accompanied by detailed guidance.

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