

T: 0300 244 4000
E: scottish.ministers@gov.scot

Karen Adam
Convener
Equalities, Human Rights and Civil Justice
Committee

Email: ehrcj.committee@parliament.scot

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Dear Convener,

I am writing to provide an update on recent stakeholder engagement activity related to the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill and the commitments I made at Stage 2 ahead of the upcoming Stage 3 proceedings on 17 February 2026.

Engagement with MSPs and wider stakeholders

As you will be aware, the Scottish Catholic Education Service (SCES) and the Bishops' Conference of Scotland have previously raised concerns about the Stage 2 amendment to separate religious education and religious observance and to apply parental rights to withdraw their young people to religious observance only.

My officials have met with the Scottish Catholic Education Service (SCES) and will continue to do so until the conclusion of the Parliamentary process and beyond.

To further complement these meetings, my officials visited Sacred Heart Primary School in Glasgow and Calderwood Lodge Primary School in East Renfrewshire where they met with the headteachers and engaged with school pupils. These visits have provided valuable opportunities to explore the effect of the amendments in detail, understand education practitioner perspectives, and consider how we can address these matters in any guidance, should the Bill be passed by Parliament.

Additionally, I met with Barbara Coupar, Director of SCES, on 29 January to ensure SCES' feedback is fully understood as the government and MSPs progress towards Stage 3. During that meeting, I confirmed that the separation of religious observance and religious and moral education (RME, also called religious education or RE in Catholic schools) on the face of the legislation was a common consensus amongst the majority of stakeholders at the Equalities, Human Rights and Civil Justice Committee evidence sessions. I further reassured Ms Coupar that the Scottish Government appreciates and endorses the fact that in Catholic and other denominational or faith schools there is an intrinsic link between religious education and religious observance.

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The separation of religious observance and religious and moral education on the face of the legislation is intended to reflect the importance of religious education and religious and moral education. It is not intended to undermine the approach in Catholic schools or in any faith school where observance and learning are related closely.

While I cannot pre-empt the detail of any forthcoming guidance, my expectation would be that the guidance will state that where a Catholic school provides educational experiences which involve observance or faith, parents will continue to be able to withdraw their children from those experiences. A good example is the lead-up to pupils' first communion or confirmation as preparation for these Catholic sacraments and similar experiences often takes place in RE lessons. Catholic pupils preparing for these sacraments often work through a booklet as part of their personal preparations. We understand that pupils not participating in these sacraments take part in the lessons to learn about the sacraments, but do not complete the booklets or other personal preparations. Those who are not participating in these sacraments or are otherwise withdrawn from religious observance are assigned separate work during these lessons.

I also separately committed to meeting with Stephen Kerr MSP to discuss his concerns about the Bill. I am pleased to confirm that I have now met with a selection of interested Conservative MSPs, including Mr Kerr, and was grateful to them for outlining their views regarding the content of the guidance to accompany the changes in Part 1 of the Bill, and their views on reporting requirements in relation to Part 2 of the Bill. These views have been helpful in informing my consideration of potential Stage 3 amendments.

Stage 3 amendments

In relation to Part 1 of the Bill I also made a commitment at Stage 2 to return with appropriate monitoring and reporting amendments, and guidance duty amendments in relation to withdrawals of pupils from religious observance at Stage 3. Regarding monitoring and reporting, I have worked with Maggie Chapman MSP and Elena Whitham MSP to lodge amendments 8 and 23. Amendment 8 would require Scottish Ministers to report annually on the number of pupils withdrawn from RO.

Amendment 23 would require Scottish Ministers to undertake a review of the implementation of the changes in Part 1 of the Bill 3 years after commencement, and to prepare and publish a report on that review. This report would be required to contain information about how religious observance has been delivered in schools during the period covered by the review, an assessment of the inclusiveness of the content and delivery of religious observance during that period, and a statement of any actions the Scottish Ministers intend to take following the report (including, in particular, actions to enable children to withdraw from religious observance).

In terms of guidance duties in relation to Part 1, I have worked with Elena Whitham MSP to lodge amendments 19 and 21. These amendments would require the Scottish Government to issue guidance in relation to the withdrawal process. In particular they require for that guidance to include information on:

- the definition of religious observance;
- the process for considering a request for withdrawal from religious observance;
- support available to pupils and parents about the process;
- assessing whether a pupil is capable of forming a view about a request; and

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- handling of discussion between pupils and parents about a request.

They also require Scottish Ministers to consult the following prior to issuing the guidance:

- operators of schools,
- persons appearing to the Scottish Ministers to represent the interests of—
 - teachers,
 - parents,
 - children and young people, and
 - denominational schools.

In relation to Part 2 of the Bill, I committed to considering what amendments could be offered at Stage 3, including a requirement on the Scottish Government to report on the operation of Part 2, and to considering further amendments regarding the timing of any notification duty. I have therefore lodged amendment 25 and worked with Maggie Chapman MSP to lodge amendment 13 at Stage 3.

Amendment 13 would place a duty on listed public authorities under the UNCRC Act to notify the Scottish Ministers, the Children and Young People's Commissioner Scotland and the Scottish Human Rights Commission where, in discharging their duties under the Act, they are of the view that the exemption in section 6B applies. Amendment 25 would place a duty on the Scottish Government to report annually on the use of the exemption and any actions it intends to take in response.

These proposed additional duties – alongside our existing commitment in the Children's Rights Scheme to ask public authorities annually whether they are aware of any legislation that, in their view, may be incompatible with UNCRC requirements or may require reliance on the exemption - would form part of a wider framework to help identify legislation that could be incompatible. This would allow the Scottish Government to assess whether action is required to address any potential incompatibility. I would like to thank the Equalities, Human Rights and Civil Justice Committee for their ongoing work on this legislation. This forms part of our commitment to maintaining an open and constructive dialogue with all stakeholders throughout the development of this legislation.

Yours sincerely,

JENNY GILRUTH

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St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

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