

THE PARENT COUNCIL OF ST NINIAN'S HIGH SCHOOL

PARENT COUNCIL MEETING

27th JANUARY 2025

Present: J. Stewart (Joint Chair) ("JS")
S. Reid (Joint Chair)
A. Wilmott (Vice-Chair)
Christopher McLaughlin
Dougie Wilson
Katrina Adams
Lorna McIntosh
Julie Flaherty
Joanne Logan
Anne Marie O'Brien

Apologies: Michela Pagliocca
Mo Wright
Lynsey O'Dwyer
Meenal Poddar
Mukesh Poddar
Jennifer Clare Abalo
Elizabeth McHaffie
Iltaf Dean
Samantha McConnell
Mairead Brophy

School: G. O'Neil (Head Teacher) ("Mr O'Neil")
M. Gallagher
J. Cumming
C. Boyle
J. Wilson

1. Welcome

The Office-Bearers ("OB") welcomed the Parent Council ("PC") Members in attendance. JS led the meeting in an opening prayer.

2. Apologies

A note was taken of the PC Members & School staff in attendance, and of intimated apologies.

3. Adjustment/Approval of Previous Minutes

The draft Minutes of the Parent Council Meeting held on 9 December 2024 were not available. The OB undertook to circulate a draft on the WhatsApp Group as soon as possible.

4. Update on Action Points

The OB updated the meeting on the previous Action Points from previous meetings:

- (i) School Values Project – Mr O’Neil had circulated a letter to the Parent Forum inviting parents to contribute their thoughts to the “School Values” project. The deadline for responses has now passed.
- (ii) Eastwood Park Development – The OB confirmed to the Meeting that the PC’s approved objection letter to the ERC Planning Application had been duly lodged.

ERC’s Planning Committee was due to meet on 29 January 2025 to consider the Planning Application and responses thereto, but the Committee Meeting was postponed for unspecified “notification” issues to be addressed.

The OB will monitor the position.

5. Head Teacher’s Report

Mr O’Neil reported the following:

- (i) The East Kilbride Rail Upgrade has caused some disruption to pupils. A replacement bus service failed to materialise at the expected location, both in the morning and in the afternoon. In the event, Mr O’Neil and Mr Cumming had to drive pupils home in the School mini-bus one evening. There are ongoing discussions with ScotRail and parents to try to ensure that children are able to travel to and from school on time, despite the rail disruption.

The PC expressed its sincere thanks to Mr O’Neil and his staff for their care of the children in this challenging period.

- (ii) Storm Eowyn caused some minor roof damage, but otherwise the School was spared.
- (iii) Pupil attendance has increased (on last year’s performance) in the final week leading to the Christmas holiday. Mr O’Neil is pleased with the increased figures.
- (iv) The School was privileged to be selected to participate in a UK-wide school initiative to mark Holocaust Memorial Week. Awareness and engagement throughout the School has been high.
- (v) School trips are progressing smoothly. A trip from Italy returned safely at the weekend (despite the forecast storm). PC members were enthusiastic in their praise for Mr Eaglesham and his team in the organisation of the ski trip.

6. Scottish Government Consultation on Opting-out of Religious Education

The OB reminded the Meeting that the Scottish Government had recently published a Consultation seeking views on proposed changes to the current legislation on religious observance (RO) and religious and moral education (RME) in schools.

The Scottish Government proposes to amend section 9 of the Education (Scotland) Act 1980 to require that “due weight” be given to the views of the pupil when parents are exercising their right to withdraw their child from RO/RME.

Concerns were expressed within the Meeting as to the wider repercussions of the proposed legislation.

The OB tabled a draft letter to the Scottish Government responding to the Consultation. The letter constituted a formal objection to the proposed legislative amendment. (The draft had been circulated earlier to members on the WhatsApp Group for consideration in advance of the meeting.)

A discussion ensued. A clear consensus emerged to issue the letter.

The OB proposed that the letter be issued to the Scottish Government. The Meeting unanimously approved the proposal.

A copy of the approved letter is attached as Annex 1.

AGREED ACTION

The agreed action point was:

- 1. The OB shall issue the approved objection letter to the Scottish Government in response to its Consultation (Annex 1).**

7. Parent Questions

Two questions were raised by parents:

- (1) Can an update on the new Learning Hub be provided?
- (2) What steps are being taken by the School to mark the forthcoming canonisation of Blessed Carlo Acutis (in April 2025)?

On the first question, Mr O'Neil reported that the Hub continues to be very busy and well-used. Two Well-Being Support Assistants have been appointed to tackle attendance. There continues to be a focus on screening children to allow early intervention when a need is identified. Work is ongoing to develop a community partnership with Tesco to improve the garden area.

On the second question, JS reminded the Meeting that the School is in the unique and privileged position of having a first class relic of Blessed Carlo Acutis in the Oratory. His canonisation will take place on 27 April 2025. Steps should be taken to take full advantage of this, to fan the flames of faith in our children and parents.

Mr Cumming reported that the RE Department is working on the issue. A prayer card is being prepared, a Mass is planned, perhaps an icon in the Oratory.

The OB suggested closer involvement with Canon Whitworth to maximise potential. The OB suggested a "live-stream" of the canonisation from Rome, inviting parents and pupils to view it. Medals might be commissioned. A reliquary might be considered. PR opportunities exist in the local and national press - and should be seized.

The business of the Parent Council Meeting was then concluded.

The next PC Meeting is on 10th March 2025.

SUMMARY OF ACTION POINTS

<i>Scottish Government Consultation on Opting-out of Religious Education</i>		
1. The OB shall issue the approved objection letter to the Scottish Government in response to its Consultation.	OB	Jan 25

ANNEX 1

**SCOTTISH GOVERNMENT CONSULTATION
ON OPTING-OUT
OF RELIGIOUS EDUCATION**

1. Copy Response dated 28th January 2025 from SNHS PC to the Scottish Government's Consultation

THE PARENT COUNCIL OF ST. NINIAN'S HIGH SCHOOL

Joint Chair:

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S. Reid

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Vice Chair
A. Wilmott

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The Scottish Government
Edinburgh

Email: ROandRME@gov.scot

28th January 2025

Dear Sirs,

**Response to Scottish Government Consultation:
Proposal to amend legislation on Religious Observance/Religious Education (“RO/RE”)**

We are grateful for the opportunity to respond to the Scottish Government's Consultation on its proposal to amend legislation on RO/RE in Scottish schools.

We have five key objections to the proposed legislation. In summary:

- (i) It fails to respect the primary right of parents on this fundamental issue of conscience.
- (ii) It is unnecessary.
- (iii) It is liable to create legal confusion.
- (iv) It is liable to cause practical difficulties for teachers.
- (iv) It is liable to exacerbate conflict between parent and child, and weaken family unity.

In short, the proposed amendment represents an unnecessary State interference on a cardinal issue of parental religious “conscience” that is better resolved within the family.

The attached Appendix sets out our responses to the specific questions in the Consultation.

Yours sincerely,

J. Stewart

S. Reid

Joint Chair

Joint Chair

APPENDIX

DETAILED RESPONSES TO THE CONSULTATION

We set out below our detailed responses to the specific questions raised in the Consultation:

Question 1

What are your views on the proposed changes, including in terms of practicality for schools and ease of implementation?

The proposed amendment is flawed in multiple respects.

At present, parents are entitled to withdraw their child from RO/RE in Scottish state-funded schools. This is a parental right of “conscience”. It has existed under statute since 1872.

In the relatively few instances when it is exercised, it has operated satisfactorily, and without reported difficulty, for over 150 years.

There is no demand for a change in the law.

There is no need for a change in the law.

Any potential abuse of the parental right - of which there have been no reported instances in 150 years - is already tempered by existing statutory provisions which adequately safeguard the welfare and best interests of the child (*Children (Scotland) Act 1995, section 6*).

Despite this, the Scottish Government wishes to legislate for a new statutory obligation that “due weight” must be given to the views of the child, when a parental opt-out is exercised.

Logically, the proposed amendment diminishes the right of parental choice on a fundamental issue of conscience. Potentially, it usurps that parental right.

To that extent, it conflicts with the cardinal principle that parents are the “first educators” of their children.

It also breaches fundamental legal rights of parents, including the following:

- (i) Pupils are to be educated in accordance with the wishes of their parents (*Education (Scotland) Act 1980, s. 28*)

(iii) In the exercise of any functions in relation to education and teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions (*Article 2, First Protocol, ECHR; Human Rights Act 1998*)

The pretext of the proposed amendment is purportedly to “align” existing legislation with the supposed “rights” of the child under the UNCRC.

However, that pretext is erroneous.

The Consultation and proposed amendment fail to mention that the UNCRC also protects the rights of parents (notably in Article 14, UNCRC) - nor does the amendment respect the predominant rights of parents under existing law.

The avowed pretext of the Consultation is, therefore, unfairly selective and misleading.

Furthermore, the proposed amendment is liable to create legal confusion; it will create practical difficulties for teachers; and it will exacerbate conflict between parent and child, thereby weakening family unity.

The risk of legal confusion is obvious.

It emerges by virtue of the patently competing parental rights on this fundamental issue of conscience, as detailed above.

The legal confusion is also compounded by the vagueness of the proposed legislation. It assists no-one to enshrine in statute that “due weight” is to be given to the child’s views. That is vague and meaningless. Nor is it acceptable for the vagueness to be remedied by separate ministerial “Guidance”. In that event, the proposed legislation achieves nothing, because existing ministerial Guidance exists on the issue, and operates perfectly well.

The practical difficulties for teachers are also obvious.

If a parent exercises his or her opt-out right, and the child disagrees, how is the teacher to resolve that conflict? The teacher should not be placed in the unenviable position of having to adjudicate on an internal family conflict of conscience, or to mediate a resolution.

Should the teacher prefer the choice of the parent or the choice of the child? If the teacher chooses to defy the parent, and respect the view of the child, is the teacher (and head teacher and local authority) exposed to the risk of civil litigation and liability to pay compensation to the parent? Conversely, if the teacher prefers the parental choice, in defiance of the child’s views, does the teacher run the risk of irreparably losing the trust and confidence of the child? The dilemma for teachers is invidious.

The risk of family discord being generated is also obvious.

The proposed amendment risks flushing family disagreements on such matters into the public arena of the school - with teachers being forced to act as judges on the matter. Such

an approach is liable merely to inflame family conflict, and to encourage the airing of sensitive family disputes in public.

In the unlikely event of a difference of opinion arising on this issue between a parent and child, the answer is simple: the school should be entitled (and obliged) to respect and implement the parental choice, leaving the parent and child to resolve their differences privately, within the family unit.

That is the current legal position. It works perfectly well.

The child's position (if it conflicts with the parental choice) is already adequately protected by existing legislation. Thus, when a parent makes any "major decision" for a child in the fulfilment of parental responsibilities (such as a choice in education) the parent is already obliged, under statute, to have regard so far as practicable to the views (if he or she wishes to express them) of the child concerned, taking account of the child's age and maturity (*Children (Scotland) Act 1995, section 6*). If the child has a genuine grievance, the child can pursue legal remedies against the parent (not the school).

The important point is that the duty lies on the parent (not the school) to take account of the child's views, and to seek to resolve the matter privately within the family unit.

The school should not be drawn into the controversy.

From the school's perspective, the parental choice should prevail - and the school can get on with its proper role of teaching, not adjudicating on the rights and wrongs of private family feuds.

It is also the only sensible way to avoid exposing teachers and local authorities to the risk of litigation and civil liability.

In summary:

- (i) The proposed amendment fails to respect the primary right of parents on this fundamental issue of conscience.
- (ii) It is unnecessary.
- (iii) It is liable to create legal confusion.
- (iv) It is liable to cause practical difficulties for teachers (including exposure to civil liability).
- (iv) It is liable to exacerbate conflict between parent and child, and weaken family unity.

Question 2

What do you anticipate being the main positive and negative implications of these changes, including for schools, parents and any financial implications?

The multiple negative implications are set out in our response to Question 1.

They include legal confusion, invidious practical difficulties for teachers, the weakening of family unity and promotion of public discord between parent and child.

We see no material positive implications.

Question 3

What insights or experiences do you have regarding how the right to withdraw from RO/RE currently works in schools, including how schools communicate with parents, the pupil's voice, and the practical application of the withdrawal process?

Data from Catholic Schools in Scotland indicate that less than 1% of pupils are withdrawn from RO/RE at the request of parents.

The process is managed sensitively, quickly and efficiently - assisted by the fact that the parental choice is predominant.

We are unaware of any reported difficulties.

In contrast, if the proposed amendment is made, the withdrawal process will inevitably become more contentious, more protracted, and more disruptive for both the pupil and the school.

It is also likely to create the risk of litigation and civil liability for teachers and local education authorities at the instance of aggrieved parents or children.

Question 4

Do you think the proposed changes offer a reasonable way forward at this time to address questions about UNCRC compliance?

The answer is: NO.

The avowed pretext of the proposed amendment (namely, to “align” existing legislation with the UNCRC) is erroneous, unfairly selective and misleading.

The UNCRC also protects the rights of parents (notably in Article 14, UNCRC).

The Consultation fails to mention this – and the proposed amendment fails to reflect this (or to respect the other fundamental rights of parents under domestic law).

There is no “question” about UNCRC compliance. The parental right of conscience is entitled to primacy for legitimate reasons that are consistent with the UNCRC (when read as a whole).

There is no need for this proposed legislative amendment. It is a poor solution to a non-problem.

Question 5

What mechanisms do you think would be most effective for ensuring that schools and parents give due weight to pupils’ views when considering withdrawal from RO/RE?

It is for the parent, not the school, to give due weight to the child’s views. To do otherwise is an unnecessary State interference with the parental right of conscience and the family unit.

It would also create impossibly onerous challenges for teachers, who would be forced to adjudicate and mediate on intractable differences on sensitive issues of conscience. That is to be avoided.

It will be an unwelcome drain on limited teaching resources – and will expose teachers and education authorities to the risk of civil litigation against them at the instance of a disappointed parent or child.

Existing legal safeguards are in place to ensure that the child’s welfare is protected.

The most effective legal mechanism is to respect the primacy of the parental choice in this matter of religious conscience.