



Religion in Scots Law on Education

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Education

- Strong trend to secularisation of Scots law
- But not in Education
- Church of Scotland, Roman Catholic Church and other churches secured exemptions, & safeguards during 20th century change in education law
- Example: RE permissive 1872-1945, 1945 onwards compulsory
- Example: Church role in education administration ended 1929, restored 1973
- Example: Church of Scotland role in University theology appointments legislated in 1931

Denominational Schools

- 1872: role of presbyteries in inspecting schools repealed
- 1872: non-denominational state schooling started
- 1918: denominational state schooling started
- RE from 1872 by “custom” and “use and wont”. This effectively passed RE choices to head teachers. This still majorly true today in non-denominational schools

- Conscience clause 1872 and 1980 Acts
- Gives parents right to withdraw child from RE; child does not hold the right.
- (Scotland not alone in this – embedded within whole European and international legal framework governing parents and children)
- RO and RME must be timetabled separate from all other subjects. More scrutiny needed?

- Provision made that an LA can dispense with RME on a local plebiscite.
- Head teachers can change or alter RO and RME; appoint or not appoint school chaplains (not mentioned in legislation).
- Government and LAs issue RO, RMO & chaplain guidance to head teachers.

- Local Government (Scotland) Act 1973 compelled LAs to give seats on Education Committees to Church of Scotland (1 seat), Roman Catholic Seat (1 seat bar Western Isles and Northern Isles), and 1 seat to next largest church.

- 1918 Act established denominational schools: currently 370 – 366 Catholic, 3 Episcopalian and 1 Jewish.
- These can be discontinued by LAs after consultation, government approval and Court of Session review.
- LAs can create new denominational schools on application by a religious body. This likely includes a 'belief' body – i.e. a nonbelief body.

General points

- School admissions policies may not discriminate against potential pupils on grounds of religion, but may discriminate in favour of a particular religion.
- GTC Scotland has 1 Church of Scotland and 1 Roman Catholic Church representative each by law.
- Parental Councils and Combined Parential Councils by law must contain church representatives from denominational schools included.

- From 1931 Scottish universities free to enter agreements with any Christian Church or Association; and appointment boards for theology or divinity professors may include Christian church representatives
- Separate provision for the old St Andrews Teacher Training College for RC church role in the teaching and appointment of lecturers.

Conclusion

- Education has bucked the trend in secularisation
- “Religious literacy” - not merely of other religions, but of different faith conditions such as spirituality – a reason to sustain compulsory RME, but nonbelief hasn’t attained parity in the curriculum.
- Yet, potential new roles for nonbelief bodies - in conducting their own state-funded schools, or drawing attention to ways to transfer schools from denominational status.
- Yet, churches retain a strong foothold in education a society which is otherwise secularising rapidly.



