

# [Swinney must clarify parental rights on P1 test withdrawal](#)

- [Home](#)
- [All News](#)
- Swinney must clarify parental rights on P1 test withdrawal

29 Aug 2018



The Scottish Conservatives are calling for a parliamentary statement from the Cabinet Secretary for Education, John Swinney, to clarify the legal position on the withdrawal of children from P1 testing.

Local authorities, schools and parents were informed in a letter from the Scottish Government's learning directorate that they do not have the right to withdraw their children from P1 testing unless there are "exceptional circumstances".

The Scottish Government said this letter was based on legal advice from the Society of Local Authority Lawyers in Scotland (Solar), but this point has been denied by Solar. It is therefore very unclear what the legal position actually is.

The Scottish Conservatives have therefore called on the Scottish Government to make a statement to Holyrood as soon as possible after the summer recess in order to clarify the current situation regarding parental rights.

**Scottish Conservative shadow education secretary Liz Smith said:**

"It is not at all clear as to whether parents have a right to withdraw their children from the Primary 1 tests.

"The Scottish Government's own education department issued a letter stating that parents did not have a right to withdraw their children unless there were "exceptional circumstances" and that this statement was based on legal advice provided.

"It turns out that no such legal advice exists so it is only right that the Cabinet Secretary makes a statement to the Scottish Parliament as soon as possible to explain and clarify exactly where parents stand. "