**ARE PARENTS ENTITLED TO WITHDRAW THEIR CHILDREN FROM THE P1 SNSA?**

**THE STORY SO FAR**

In June 2018, Upstart representatives asked government officials whether parents had the right to withdraw their children from the P1 tests and the answer was a categorical ‘yes’. As shown in documents from an [FoI request](https://beta.gov.scot/publications/foi-18-01458/%22%20%5Ct%20%22_blank), this was clearly the government position until summer 2018.

Upstart therefore circulated a opt-out postcard, with support from the EIS, Children in Scotland, Play Scotland, the parent-teacher organisation Connect and ACE-Aware Nation. Within days this official statement was issued: "As has been the case for decades, for almost all teaching and learning there is no formal legal right for parents to withdraw their child from individual elements of that teaching and learning."

A few days later, Directors of Education across Scotland received a letter from Graeme Logan at the Scottish government stating that parents could only opt their children out of the tests in ‘exceptional circumstances’. Apparently, this was advice from SOLAR (an organisation representing local authority lawyers). It meant the final decision would rest with primary head teachers, depending on their assessment of how 'exceptional' the circumstances were for each child.

Then, on 29-8-18 the [Herald](http://www.heraldscotland.com/news/16603990.top-civil-servant-sent-misleading-letter-on-right-of-parents-to-opt-out-of-p1-tests/) broke the news that SOLAR had **not** provided the Scottish government with the advice contained in the letter to headteachers. The subsequent media outcry blurred the issue even further and by 30-8-18[i-news](https://inews.co.uk/news/scotland/can-scottish-parents-withdraw-children-from-p1-tests/) reported that opposition politicians had called for a statement when Parliament returned after the summer recess.

No statement was issued. Instead there was a parliamentary debate on a motion that the P1 SNSA should be dropped. It was passed by 63 votes to 61. The Scottish government ignored this decision and pressed on with the P1 SNSA.

**THE CURRENT POSITION**

Although the Scottish Government has issued guidance to schools stating that parents do not have the right to opt their children out of SNSA testing, this guidance is **not statutory** so there is no legal ruling regarding withdrawal. Parents therefore have the right to ask that their child should not participate.

They are supported in this by the Scottish Schools Parental Involvement Act (2006) which states that “parents should have the opportunity to have their views taking into account on matters affecting the education of their children” (Guidance 2006 p7)..

If head teachers need evidence of ‘exceptional circumstances’, there is no shortage of expert opinion that standardised assessment of five-year-olds in literacy and numeracy is not an acceptable policy. The organisations listed on our opt-out postcard voiced their objections clearly at the time (as did the opposition politicians whose arguments won the parliamentary vote). Comments on the subject from experts in assessment and early years include the following quotes from internationally recognised authorities on formative assessment (both of whom had been publicly cited by the Scottish government as supportive of the P1 SNSA):

Professor Dylan Wiliams: ‘The unreliability of the assessments, combined with the unreliability of five-year-olds, means these assessments are almost completely useless as guides to the achievement and needs of five-year-olds.’

Professor James Popham: ‘My support of the formative assessment process should definitely not be construed as support for standardised tests and, even more definitely, not support of using standardised tests for five-year-old children.’

**Upstart’s position on the P1 SNSA**

Upstart’s will continue to campaign for the abolition of the P1 SNSA and to support any parents who wish to opt their children out of the tests. Our objection to the SNSA at P1 is that the specific assessment of literacy and numeracy skills is developmentally inappropriate for this age group and inevitably skews classroom practice ways that are incompatible with high-quality early years pedagogy. This view is supported by the conclusions of a recent [research review](https://www.early-education.org.uk/getting-it-right-early-years-foundation-stage-review-evidence) by the British Early Childhood Education Research Association.

We have no objection to developmentally appropriate assessment of five-year-olds (e.g. the Early Development Instrument, which is used with that age group in Canada and Australia and has been successfully trialled in East Lothian).

See also [Upstart’s submission to the Independent Review of the P1 SNSA](https://www.upstart.scot/independent-review-of-p1-tests-upstart-submission/).