

# End employment discrimination in faith schools

When there is a genuine non-discriminatory reason why someone needs to be of a certain religion (or have a specific protected characteristic) the Equality Act allows says an employer to require this, only if they can demonstrate a Genuine Occupational Requirement. However faith schools have exemptions which mean they can discriminate against teachers on the basis of religion without needing to demonstrate this.

## What's the problem?

Many teachers can find themselves blocked from certain positions in faith schools because they are non-believers or of the 'wrong' faith. This means that suitably qualified teachers can be discriminated against in a third of all state schools.

Despite discrimination of grounds of religion and belief being unlawful, Equality Act exceptions allow schools with a religious character to require their teaching staff to adhere to a particular religion.

Voluntary controlled religious schools (often Church of England schools) can apply a religious test in appointing, remunerating and promoting one fifth of teaching staff, including the Head Teacher.

In voluntary aided religious schools (often Roman Catholic, but also sometimes Church of England and minority faiths), the governing body employs the staff and may theoretically apply a religious test in appointing, remunerating and promoting all teachers. In addition, all teachers can be disciplined or dismissed for conduct which is 'incompatible with the precepts of the school's religion.

The situation in academies and free schools with a religious character will depend on the school's funding agreement, but generally speaking these will also have the ability to place religious requirements on teaching positions.

We consider the degree of discrimination legally permitted on the grounds of religion and belief against teachers and other school staff is unreasonable and unacceptable.

If some faith schools can maintain a religious ethos with a 20% limit on reserved positions, there can be no justification for the provisions in the Schools Standards and Framework Act which allow schools to use a religious test in appointing, remunerating and promoting all teachers.

However, we don't think any suitably qualified teachers should be blocked from teaching positions in publicly-funded schools on the basis of their beliefs or religious activities.

In England and Wales the relevant statute is the School Standards and Framework Act 1998 Sections 58 and 60, as amended; in Scotland, the Education (Scotland) Act 1980.

In Northern Ireland, the The Fair Employment and Treatment (Northern Ireland) Order 1998 (FETO) excludes teachers.

## What are we doing?

We are challenging the Government over their obfuscation over the extent to which faith schools can religiously discriminate against staff and potential staff. We advise teachers who contact us about this issue and are seeking to pressure education trade unions to stand up against such discrimination against their members. We are seeking to ensure that post Brexit the Employment Equality Directive 2000/78/EC is incorporated into UK law.

- In July 2019, after [reporting on research](#) revealing the impact of religious discrimination on teachers in Northern Ireland, we wrote to the major teaching unions calling on them to support extending equality protections to teachers.

## What you can do:

## Take action

Teachers shouldn't face religious discrimination in state schools. Write to your MP or trade union representative calling on them to make faith schools fully subject to the Equality Act.

- [Write to your MP](#)
- [Write to your Union](#)

Are you a teacher who has faced religious discrimination by a state school? Have you been denied a position or promotion because you're the 'wrong' religion?

- [Get advice](#)
- [Share your story](#)

## More information

The protection of the religious rights of staff in schools in the UK would be improved if proportionality were to be required and such a requirement could bring the SSFA back into line with the EU Equality Directive.

**Lucy Vickers** (Professor of Law, Oxford Brookes University, In "The impact of faith schools on teacher discrimination")

- [The impact of faith schools on teacher discrimination](#) (PDF, 309 Kb)

2009 paper from the NSS.

- [Government 'obfuscates' over faith schools' teacher discrimination](#)  
The National Secular Society has accused the government of obfuscating over the extent to which schools with a religious character can discriminate when hiring teachers.

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### [Teachers shouldn't be the victims of religious discrimination](#)

The degree to which we tolerate discrimination against teachers in state-funded faith schools would be totally unacceptable in almost all other areas of public life, argues Stephen Evans.

- [How to teach in a catholic state school in Scotland](#)

As the Scottish government prepares for a major increase in funding for a Catholic teaching programme, Alastair Lichten explains how the Catholic Church dominates recruitment in 'its' schools in Scotland.

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