

Government refuses to review discrimination against teachers in faith schools

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The National Secular Society has criticised the Government for refusing to accept a recommendation from the Equality and Human Rights Commission to review the law which permits faith schools to discriminate against teachers on religious grounds.

In a recent [report on the law regarding religion and belief in the workplace](#), the EHRC called for the appointment of teachers by faith schools to be "modelled on the current occupational requirement exception set out in the Equality Act", meaning a genuine occupational requirement would be needed before a school could discriminate when hiring staff.

The EHRC said a change in the law was necessary to ensure occupational requirements were genuine and that "teachers are able to pursue their careers without unjustifiable limitations being placed upon them".

Exemptions to the Equality Act permit some faith schools to apply a religious test in appointing, remunerating and promoting all teachers, including head teachers. In Voluntary Controlled faith schools the religious test can only be applied to one fifth of positions – including the headteacher – which are classified as 'reserved'.

These provisions also give the governors of some faith schools the right to discipline and dismiss teachers for any conduct, including private conduct outside the school, which they deem to be "incompatible with the precepts, or with the upholding of the tenets, of the religion of the school".

In December this year a popular head teacher at a Roman Catholic school in Hampshire was [forced out of his job](#) because he is divorced and remarried.

However, in a [response to a parliamentary question](#) tabled by NSS honorary associate Graham Allen MP, the Government said it was "important that faith schools are able to maintain their particular religious ethos and deliver the form of education which they have historically provided and which parents value."

Schools Minister Nick Gibb said: "Employment, equality and human rights law applies to the employment practices of all schools, and they must act reasonably and proportionately." He said the Government was not aware of any "firm evidence that schools are acting outside of this framework and have not been alerted to any alleged faith-discrimination cases from members of the school workforce."

Mr Allen's question had asked the Secretary of State for Education what steps she was planning to obtain *independent* legal advice to establish whether [sections 60 \(4\) and \(5\) of the School Standards Framework Act](#) comply with the EU Employment Equality Directive [Article 4 \(2\)](#) and that the exceptions be legitimate and proportionate, following the concerns expressed by the Equality and Human Rights Commission.

The National Secular Society has long argued that UK legislation relating to state funded faith schools licenses discrimination against teachers not of the faith of the school and breaches European employment laws in relation to discrimination on the grounds of religion or belief. A legal academic advising the EHRC and the European Commission and the Society's own legal advice maintain the SSFA is in breach of the European Directive.

In 2014 the European Commission announced it would take no further action against the UK Government after investigating complaints, submitted by the National Secular Society over employment discrimination in faith schools – a move described as "political" by the NSS.

Stephen Evans, NSS campaigns director said; "the Government's intransigence on this issue shows an alarming indifference to the plight of the increasing proportion of non-religious teachers who the law allows to be kept out of faith schools, and also to those left vulnerable to dismissal simply because religious bodies consider them to be 'sinners'.

"If the Government expects publicly funded faith schools to act reasonably and proportionately in their employment practices then it should ensure this requirement is written into the law. At present many faith schools appear to have unfettered freedoms to unfairly discriminate on both religious and other grounds, such as sex or sexual orientation. We urge the Government to amend the law to clarify that faith schools are only permitted to discriminate where a genuine occupational requirement can be demonstrated."

A recent Catholic School Census published by the Catholic Education Service for England and Wales (CES) shows that 41.9% of teachers in English Catholic faith schools are practising Catholics, despite just 8.7% of them being required to teach Religious Education.

In Catholic primary schools 62.3% of teachers are Catholic, with 64.51% of them teaching RE.

In total, 51% of the 48,745 teachers working in England's 2,142 Catholic state-funded schools are Catholic.

Only a little over 1% of the British population attend a Catholic church on a normal Sunday.

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