

**Faith Schools:
Freedom of Choice or Recipe for Division?
Their Impact on Education and Wider Society
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Speech by Keith Porteous Wood: The Impact of Faith Schools on Teachers

Naturally, being from the National Secular Society, you would expect me oppose faith schools in principle, and indeed I do. Not only because they are divisive and a threat to community cohesion, but also because they are a source of human rights abuses and institutionalised discrimination of the most disgraceful kind.

I do not say that lightly. But faith schools certainly do result in the rights of some pupils and some employees being blatantly infringed.

Let's start with the EU Employment Directive¹ 2000. It generously singled out religious organisations and allowed them "to require individuals working for them to act in good faith and with loyalty to the organisation's ethos". To my mind no further concession should be made. Yet, in England and Wales the School Standards and Framework Act, 1998, Sections 58 and 60 goes far further.

It permits sackings, even without the approval of the LEA, of teachers in Voluntary Aided schools and some "reserved" teachers in Voluntary Controlled schools if their beliefs, church-going or domestic arrangements do not come up to scratch. The employer can sack teachers if they spot – and I quote here "any conduct on his part which is incompatible with the precepts" of the

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:EN:HTML> extract from Article 4(2)

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religion. Well I am sure none of you here in Windsor could ever be accused of such a misdemeanour.

In fact, the law catches quite a few Christians, too. Parents and teachers in Sheffield were devastated recently when a well-loved headteacher of a Catholic school was prevailed upon to leave after he decided to divorce his estranged wife and marry his long-time partner. A distressed parent was quoted in the local paper as saying: “I had to console both of my children. I had to think which century we were living in and yes, we do live in the 21st century and not the dark ages”²

There are rather a lot of people this Act discriminates against. Quite a few like the, perhaps now-unemployed, former Sheffield headteacher, and a growing mass of non-religious people. According to data from the Office of National Statistics, around the same proportion of people say they don't belong to any religion as say they “belong” to Christianity.

Weekly church attendance seems to be one of the requirements that some faith schools use when choosing teachers – which can take preference over whether or not they are the best candidate for the job. It is a discrimination that would, quite rightly, be illegal in just about any other circumstance.

So let's look at what proportion of people of working age are in church on a normal Sunday. What ratio - 1 in how many?

The answer is 20. The ratio in 1990? 12. These figures come from Dr Peter Brierley of Christian Research, perhaps the foremost statistician in this area.

I accept that church attendance is an amalgam of people going to church with different frequencies and on different days, but in rough terms it means if you accept that teaching population reflects the attitudes of the general population, only one in 20 of them will be a weekly church attender. And that one person will be potentially privileged relative to the other 19 in scooping a job at a church school, even if the others are equally or better qualified.

And this law potentially applies to about 100,000 teaching posts and 7,000 schools.

Does that all seem fair to you? I make no apology for saying that such privilege is unjust and ethically wrong. And it is scandalous that the law permits this – particularly as the schools are completely funded by the taxpayer – many of whom have absolutely no chance of gaining a place in them for their children.

² <http://www.thestar.co.uk/news/Shock-as-head-quits-to.5481143.jp>

Let us not forget where the pressure has come from for this state of affairs. It is the churches themselves, the bishops in the Lords using their privileged positions for self-serving purposes.

When the Employment Directive was being finalised, the bishops pushed the Government hard to retain this discriminatory legislation. Shamefully, the Government were even prepared to bring down the whole Directive if they could not get the legislation exempted. That was in 2000. Just six years later the bishops were putting the boot in again. I alerted peers to an innocuous-looking amendment to the Schools Standards and Framework Act tabled by their graces.

In 2006 the law, rightly, proscribed requiring headteachers of Voluntary Controlled schools to be reserved teachers and protected all non-teaching staff in all religious schools from discrimination based on religion. But such woolly freedoms, I would say deficiencies, were intolerable to the Rt Reverend prelates of Peterborough and Southwell & Nottingham; they tabled an amendment to strike them out.

And, with the exception of non-teaching staff in Voluntary controlled schools, the Government duly did their bidding. And they did so without consulting the NUT at all or the General Secretaries of any relevant teaching union.

We arranged for this and the wider issues to be brought up in both Houses and the Government's insistence that they had properly consulted the unions led to heated exchanges. I would say we won the argument but lost the heavily-whipped vote. We also lost when we called for decent transitional provisions to mitigate the damage to the careers of the many thousands who were or would expect to become headteachers in VC religious schools. Neither the church, it appeared, nor the Government could care less. And with the pressure for community schools to become church schools (even if this leaves no community school in the area), teachers who previously thought that their religion – or lack of it – was of no consequence suddenly find that it is.

The 1944 Butler Act had none of these discriminatory provisions. BTW the attendance ratio was about 1:7 then. So, as church attendance plummets, the legalised discrimination against the non-religious increases.

Having wrung the most out of the legislation, the CofE are now advising that *all* VC headteachers posts should be stitched up and made reserved teacher posts. They are beavering away on some religious teaching certificate which teachers in faith schools will be required to have, which will become another spurious basis for discrimination. The Catholics already have such a certificate and in Scotland the bishops can unilaterally veto the employment of teachers they don't approve of in publicly funded schools, a very curious interpretation of the Employment Directive.

One teacher, David McNab, who defined himself as an atheist, won an employment tribunal case after being denied even an interview for a Principal Teacher post on the grounds it involved “Pastoral Care”. And surprise, surprise – prompted by the Catholic Church - Glasgow City Council went to appeal the decision. Not only did they lose, but they got a well-deserved wiggling from the Appeal tribunal for acting like a department of the Church. So, in Scotland too we have unfair and dubious law disadvantaging the non-religious (and probably all non-Catholics) with the authorities doing the Church’s bidding against the individuals.

And what of the future?

Well, let’s go back briefly to these ratios. 1 in 7 in 1948, 1 in 12 in 1990, 1 in 20 now and using Dr Brierley’s forecast – I have a ratio for 2050. What do you expect to be for then? The answer is 1 in 155. So that means a Christian teacher has an advantage over 150 other applicants just by virtue of being a Christian.

I have some proposals that would correct this grievous legalised injustice. To start with the Governments in Westminster, the Welsh Assembly and Holyrood should:

- A. Urgently instate effective and considerate transitional provisions³ to reduce the hardship caused by the regressive changes permitting employers to require VC school headteachers to be reserved teachers. This closes off promotion and transfers to thousands of teachers from which they could reasonably have expected to have benefitted.**
- B. Institute an independent commission of enquiry of Human Rights experts to look into the adverse Human Rights implications toward the non-religious and not frequently practising religious population in respect of the operation of maintained schools and academies in England, Scotland and Wales. This should cover: employment and the matters raised in this report; admissions; the opening, classification and closure of schools and academies; worship; and Religious Education.**
- C. Repeal all legislation discriminating against staff in schools. This includes (i) repealing Sections 58 and 60 of the School Standards and Framework Act 1998 in their entirety in respect of England and Wales. (This is also a LibDem policy.), and/or (ii) materially amending Section 21 of the Education (Scotland) Act 1980.**
- D. Investigate non-statutory restrictions potentially affecting equality in employment, such as the existing The Catholic Certificate in Religious Studies and (Scottish) Certificates of Approval. We understand the Church of England is contemplating some similar arrangements.**

³ By virtue of the Education and Inspections Act 2006, Section 37