



## Employment Equality (Religion or Belief) Regulations 2003

### 1 INTRODUCTION

- 1.1 These new Regulations came into force on 2<sup>nd</sup> December 2003. It is now unlawful to discriminate against workers on the grounds of religion or belief.
- 1.2 The Regulations do not however, override the provisions in Sections 58 to 60 of the School Standards and Framework Act 1998. This allows schools to give preference in relation to the appointment, promotion, remuneration and dismissal of teachers at schools “having a religious character” to Christian teachers or those in sympathy with the Christian faith.
- 1.3 All VA CE schools in the Diocese are designated as “having a religious character” so may lawfully give preference to a Christian teacher or those in sympathy with the Christian faith in the appointment of **teaching staff**.
- 1.4 The VC school in the Diocese is designated as “having a religious character” and may give preference to a Christian teacher or a person in sympathy with the Christian faith in relation to the appointment of the Headteacher, and any reserved teacher for RE.

### 2 KEY CHANGE

- 2.1 **The Regulations make a significant change in respect of all non-teaching staff. It now will be unlawful to discriminate in relation to the recruitment, terms and conditions, promotions, transfers, dismissals, training and appointments of non-teaching staff unless (in respect of the appointment, promotion or dismissal) there is a genuine and determining occupational requirement for the person to be a Christian (e.g. a chaplain).**

### 3. LDBS ADVICE

- 3.1 Non-teaching staff application forms should have no reference to religious affiliation.
- 3.2 Selection panels for non-teaching staff should refrain from asking questions about religious affiliation but may seek from candidates broad support for the aims and ethos of the school (irrespective of their own religion or belief).
- 3.3 The National Society is currently reviewing non-teaching staff contracts in light of these Regulations. Schools are advised to delay issuing any new non-teaching staff contracts until further notice.
- 3.4 **If any school wishes to use the genuine occupational requirement exemption, advice must be sought from the LDBS before any recruitment decisions are taken.** This exemption is likely to be interpreted very restrictively by courts and tribunals.

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