

Demand for legal review of Catholic teacher approval

Equality and Human Rights Commission wants law clarified

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THE legal right of Scottish Catholic schools to vet teaching staff for their religious suitability should be reviewed, equalities chiefs have said.

The Equality and Human Rights Commission (EHRC) has told the Scottish Government to look again at legislation on so-called Catholic approval.

And it also said it would provide support in the event of any discrimination cases being brought by teachers.

Under the 1980 Education (Scotland) Act any teacher appointed to any post at a Catholic school has to be approved according to their "religious belief and character".

All teachers who seek approval must provide a reference from a "suitable person" with the reference for a Catholic teacher completed by their parish priest.

However, under the European Union's employment equality directive the need for approval should include consideration of whether the requirement is proportional to the post being applied for.

To illustrate this point the commission highlighted a tribunal case where a teacher applied for a pastoral care job in a Catholic school, but was denied because he did not have approval.

Its report stated: "The tribunal found it was not essential for the position to be filled by a Roman Catholic since only a few responsibilities of the job required knowl-

edge of Catholic doctrine."

The report concluded: "We did not receive strong, consistent, evidence about the impact of this legislation on the way in which individual teachers may have been adversely affected.

"Although there is little evidence about impact, in the interest of clarity and consistency of equality law, we recommend the Scottish

Government review the impact of ... the Education (Scotland) Act to ensure its compatibility with the EU directive.

"It is important we ensure teachers are able to pursue their careers

without unjustifiable limitations being placed upon them."

The commission said it would consider "providing assistance or intervening as a third party" in any legal cases brought as a result of the perceived flaws.

Gordon MacRae, chief executive of the Humanist Society Scotland (HSS), called for the law to be brought into line with EU directives.

He said: "With the people of Scotland having voted decisively to retain EU employment protections ministers should have nothing to fear from acting swiftly.

"For too long teachers have had to face systemic discrimination across a host of subjects areas where their religion and beliefs should have no bearing on their suitability for employment."

However, a spokesman for the Catholic Church dismissed the suggestion of discrimination.

He said: "The European Court has consistently decided in favour

of religious schools when such employment cases have come before it. Getting your facts right is the first step on a legal challenge."

Last month, the Scottish Government agreed to review the practice of religious observance in schools in the wake of a legal challenge by the HSS.

In Scotland, all young people require parental permission to withdraw from religious observance, unlike England and Wales where older pupils can opt out.

The review will examine whether the provisions in England should also apply in Scotland.



GORDON MacRAE: The humanist said law was discriminatory.

