

CATHOLIC BISHOPS' CONFERENCE OF ENGLAND & WALES



Diversity and Equality Guidelines



Diversity and Equality Guidelines

Prepared by the Department for Christian Responsibility and Citizenship
and approved for publication by
the Catholic Bishops' Conference of England and Wales

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Foreword and Acknowledgements

In recent years our society has struggled to come to terms with rapid social, cultural and demographic change. This struggle has driven us to seek effective ways to promote equality and social inclusion, especially in the workplace and more generally in society. We have seen the introduction of new laws against unjust discrimination. Catholic organisations and institutions have sought to respond creatively and positively to these initiatives, recognising that they are inspired by the profound moral value of respect for the human dignity of each person.

The purpose of these Guidelines on diversity and equality produced by the Bishops' Conference is to raise awareness, to explain some of the requirements of the law, and to encourage the Catholic community to respond to this new situation in a way that reflects our particular values and traditions.

The Guidelines provide a framework of principles rooted in Catholic teaching. From a legal perspective they are as accurate as possible at publication in February 2005, but they are not a substitute for taking legal advice or for Catholic organisations adopting and implementing their own specific policies, appropriate to their size and nature.

On behalf of the Bishops' Conference, I wish to thank the many individuals and organisations who have contributed to this publication. For their particular contribution, we are especially grateful to the Catholic Human Resources Network and the following individuals: Sarah Billington, Martin Bradshaw, Bishop Kieran Conry, Francis Davis, Margaret Ann Fisker, Sheila Hughes, Phil King, Tom Linden, Joy Madeiros, Fr Keith Miles, Sean O'Donnell, Brian Palmer, Fr Kristian Paver, Primavera Quantrill, Brenda Roper, Liz Taite, Charles Wookey and Richard Zipfel.

We are also grateful to the DTI for their support with the production of this publication.

A handwritten signature in black ink, appearing to read "Peter" with a small cross-like mark to the left.

Most Rev Peter Smith

Chairman of the Department for Christian Responsibility and Citizenship
Catholic Bishops' Conference of England and Wales

Policy Statement

All human beings are endowed with a rational soul and are created in God's image; they have the same nature and origin and, being redeemed by Christ, they enjoy the same divine calling and destiny...forms of social or cultural discrimination in basic personal rights on the grounds of sex, race, colour, social conditions, language or religion, must be curbed and eradicated as incompatible with God's design. (*Gaudium et Spes*, 29)

The fundamental truths of Christianity, in common with other faiths, include the dignity and equality of all human beings. All of us are created in the image of God, are loved by God and are part of one human family. Thus every human being deserves respect and has fundamental rights.

This belief, articulated by the Second Vatican Council, must be reflected in the vision and lived out in the practice of Catholic organisations and institutions. This is not an easy task. We live in a world which is complicated, diverse and unequal. Respecting diversity and promoting equality is complex and challenging.

Legislation in the UK deals with diversity and equality in six areas:

- race
- gender
- disability
- religion and belief
- sexual orientation
- age (by end 2006)

With a growing number of agencies and organisations involving, employing and serving more and more people, we must understand and comply with current legislation and good practice and reflect this in all we do.

This document sets out the policy of the Catholic Bishops' Conference of England and Wales. Our view is that those responsible for, or working

in, Catholic organisations and institutions have twin duties. The first is to witness to the Gospel by striving always to be inclusive, respectful of the human dignity of all and in tune with the spirit as well as the letter of the law. The second is to safeguard and uphold the Catholic ethos and identity of the organisation in question.

In carrying out these twin duties, Catholics should always keep in mind:

- Our first obligation is to the values of the Gospel and the teachings of the Church.
- It is fundamental to this teaching that every person deserves respect.
- Catholic bodies should publicly acknowledge their commitment to both diversity and equality.
- While people have a right to their private and family lives, at the same time a Catholic organisation needs to cultivate and preserve an ethos appropriate to its vision, mission and values and this will make demands on all involved in the organisation.
- We value the contribution that talented and committed people, with different life experiences and abilities may be able to make in the life of the Church.
- In a society in which relationships are increasingly fractured and complicated, it is only to be expected that this may at times be reflected in the lifestyles of those who serve the Church.
- Where there is tension between discrimination law and the right of a Catholic institution to safeguard its ethos, Catholics should seek advice.

We, the bishops of the Church, commend this policy to all the faithful as an expression of faith and witness in today's society. With this policy statement we have issued Guidelines demonstrating our determination to set an example of respect for all God's people and their contribution to the human community.

As we take up this challenge, we must remain true to our own faith and traditions. We expect the freedom to live according to these, just as we recognise the same rights for other faith communities. Above all, we are called to be neighbour, friend and partner to all men and women, as we struggle together to create a more just society.

Guidelines

We hope that these Guidelines on Diversity and Equality for the Catholic community in England and Wales will help us as we grapple with changing circumstances and legislation. The values upheld in this document should be reflected in our dealings with all people.

1. In addressing the issues of diversity and equality, our first obligation is to the values of the Gospel and the teachings of the Church.

2. We must also understand and comply with discrimination legislation. Where there is tension between discrimination law and the right of a Catholic institution to safeguard its ethos, relevant expert advice should be taken.

3. Catholic bodies should publicly acknowledge their respect for diversity and commitment to equality. Usually this will take the form of a Diversity and Equality Policy which will both shape and reflect the ethos and practice of the organisation. It will give confidence to all parts of society that participation in our organisations and institutions is both welcome and desired.

Employment

4. There will be instances in most Catholic organisations where a particular job carries with it a 'genuine occupational requirement'¹ that the post-holder be Catholic. The new legislation makes explicit provision for this.² Other posts may require the post-holder to have knowledge of the Catholic Church. In many cases it will be appropriate to require that job applicants should be broadly in sympathy with the vision, mission and values of the organisation.

5. Every applicant and employee has a right to his or her private and family life and all Catholic employers must respect that right. At the same time, Catholic organisations and institutions will have expectations of their employees, and they should state explicitly what these are (eg 'not to bring the organisation into disrepute'). Candidates for

¹ See Glossary for definitions and for an extended explanation of 'Genuine Occupational Requirement' (GOR).

² In addition, Section 60(5) of the School Standards and Framework Act 1998 remains in force whereby, in the appointment and promotion of teachers, governing bodies of voluntary aided Catholic schools may give preference to those who are practising Catholics.

appointment should be fully informed about the expectations of the organisation, and they should be given the chance to discuss these before offers are made either orally or in writing. This is particularly important in relation to leadership and pastoral roles. Any such expectations should, of course, be applied in a consistent and non-discriminatory way, and reference should be made to them in the contract of employment.

6. As employers, subject to limited and narrow exceptions, Catholic organisations must ensure that no job applicant or employee receives less favourable treatment than another on the grounds of race, gender, disability, religion or belief, sexual orientation or age. This is 'direct discrimination'.³ Only a person's qualifications and ability to do their job should determine decisions about recruitment, retention and promotion.⁴

7. It is also important to avoid any requirements or conditions being applied to a job which would have the unintended effect of putting some individuals at a disadvantage because of their ethnic origin, gender, disability, religion or belief, sexual orientation or age, unless those conditions or requirements are clearly justifiable. This is 'indirect discrimination'.⁵

8. Employers must ensure that no employee suffers any form of bullying or harassment in the course of employment, and understand that action must be taken to address the situation whenever a person feels that he or she is being harassed. Catholic organisations should have a policy on both bullying and harassment.

9. Employers should take seriously claims by individuals that they are encountering prejudice, discrimination or harassment in their work and must not dismiss these as over-sensitivity. An employee must not be penalised for raising these issues, unless the complaint is found to have been malicious.

10. Special attention needs to be paid to recruitment and advertising to ensure that potential candidates have a reasonable opportunity to know of vacancies. To ensure fairness in this area, for instance,

³ See Glossary for definition.

⁴ When an employment vacancy is also an ecclesiastical office in canon law, the competent ecclesiastical authority must ensure that the requirements of both canon and civil law are carefully observed.

⁵ See Glossary for definition.

recruitment by word of mouth only must be avoided, and communication of a vacancy should facilitate applications from a suitably diverse selection of people. In this way Catholic employers gain by attracting the best applicants for their vacancies.

11. In shortlisting, interviewing and appointment, those responsible for the process should be clearly aware of the criteria for selection contained in the agreed person specification and job description. These criteria should be applied consistently to different types of candidates. Where appropriate, those making an appointment should be given guidance concerning the possible effects of stereotypes, prejudices and misunderstandings on the selection process. Attention also needs to be given to the composition of selection panels to ensure the avoidance of bias. Selection procedures should be agreed prior to the commencement of the appointment process and applied consistently to all applicants.

12. Where members of certain groups are under-represented in particular work situations, it is permissible in law to provide training for employees to become credible candidates for promotion or transfer to another job. We would encourage this practice where it is appropriate.

Representation on Catholic bodies

13. Apart from employment, there are numerous situations in which people are selected for membership of committees, commissions, councils, boards and other bodies within the Catholic community. Those in authority are encouraged to examine selection procedures to ensure that they reach out to the full diversity of the Catholic community in their area or constituency. Where some groups are under-represented it will often be appropriate to make special efforts to encourage a wider participation.

Voluntary participation in Catholic activities

14. There are other situations which are in principle open to all but where some groups are under-represented (eg Parent Teacher Associations, Justice and Peace Groups and other voluntary associations). In such situations it is important to reflect on the reasons for any lack of participation by particular groups and to try to eliminate anything that unnecessarily discourages full participation. In some cases, it will be appropriate to make special efforts to encourage the participation of under-represented groups.

Positive Action

15. In so far as the law allows, Catholic bodies are encouraged to take reasonable initiatives to promote equality and full participation in the many activities of the Catholic community. 'Reverse discrimination'⁶ is usually inappropriate and sometimes (in employment) unlawful; but there are many forms of 'positive action'⁷, short of 'reverse discrimination', which promote inclusion, participation, diversity and equality.

Monitoring

16. We encourage those with authority at all levels of the Church to be more aware of whether different groups are represented in the many facets of the life of the Church (eg schools, parish councils, organisations etc). Sometimes this can be done informally; but in other situations formal monitoring will be needed. Schools are specifically required to monitor racial background and disability.

17. Moreover, formal monitoring of some kind may be appropriate beyond employment situations (eg monitoring the membership of large organisations, the clients who use a service, the admission and achievement of pupils of different backgrounds in schools etc).

⁶ See Glossary for definition.

⁷ See Glossary for definition.

Key Issues

The issues of race, gender, disability, religion and belief, sexual orientation and age which are discussed below are both different and inter-related. Each has its own history and particular characteristics. At the same time, there are many similarities in the experience of prejudice and inequality and in the legislation to remedy it across these six areas. It is appropriate that the issues are addressed together; and it would be wrong to give some greater or lesser importance than others.

Race and ethnicity

We believe that each human being is created in the image and likeness of God; has a dignity and value that must be respected, promoted, safeguarded and defended; that we are all equal in the eyes of God; and that we are all bound together by our common humanity.' (Charter, Catholic Racial Justice Congress, 2003)⁸

18. Over many years, Catholics have been involved with others in society in an effort to overcome racism. This has been only partially successful, and it has involved us all in a learning process. The murder of Stephen Lawrence and the inquiry into his death highlighted the reality of 'institutional racism'.⁹ In an attempt to respond positively, the government has passed new legislation requiring public bodies (including schools) to be proactive in promoting equality. This is appropriate for Catholic organisations and institutions even where they are not bound by the legislation. We have addressed this matter in separate guidelines (*Serving a Multi-Ethnic Society*, November 1999).¹⁰

19. More recently, the Charter of the Catholic Racial Justice Congress 2003 has articulated the commitment which the Catholic community must make in order to become 'a truly inclusive Church'. We urge all Catholics to familiarise themselves with the Charter and to work with others for its full implementation.

⁸ The Charter can be found at www.catholicchurch.org.uk/cn/03/030915a.htm

⁹ See Glossary for definition.

¹⁰ This publication is now out of print but is available at www.catholicchurch.org.uk/resource/sames

Gender

20. Some attitudes toward women in our society are inappropriate but deeply rooted. We are working and must continue to work to correct this situation. We recognise the gifts particular to men and women and the different roles that they are sometimes called to play.¹¹ At the same time, we recognise and uphold their fundamental equality and support society's attempt to give them full and equal rights. The Church must continue to support women and men in realising their full potential.

21. Catholics should be aware that it is unlawful to discriminate on the grounds of gender reassignment and the Gender Recognition Act 2004 allows people to have their birth certificates altered and makes it unlawful to disclose information about gender reassignment unless the person has given permission. This relatively new legislation allows some exceptions for faith communities, and Catholics in official positions may need to take advice.

Disability

22. In 1998, the Bishops' Conference published *Valuing Difference: People with disabilities in the life and mission of the Church*.¹² At the heart of the document was the central role which people with disabilities should play in the life of the Church. New legislation concerning people with disabilities requires employers and providers of goods and services to make 'reasonable adjustments' to accommodate the needs of people with disabilities. This legislation is a welcome development and one which the Church must embrace wholeheartedly.

23. The Church strives to accommodate all people in its life and mission. We must seek to include people with disabilities in the pastoral, spiritual, liturgical, social and educational dimensions of Church life. 'Part of the Body of Christ is missing when an individual is excluded from Church Life'. (*Valuing Difference*) Our Catholic organisations must be aware of this and make the appropriate adaptations and adjustments to include people with disabilities. Making changes to buildings, providing large print, Braille and audio resources, installing loop systems, etc is a start. Our attitudes, understanding and awareness of these issues must

11 All employees are entitled to fair pay and Catholic organisations should be sensitive to the requirements of the Equal Pay Act 1970. See Appendix IV.

12 This publication is now out of print but is available at www.catholicchurch.org.uk/resource/vald01

also be challenged, developed and improved. We will all benefit from making it possible for those with disabilities to offer their wide variety of talents and experiences in the service of the Church.

Religion and belief

24. Particularly since the Second World War, our traditionally Christian society has become increasingly secular as well as religiously diverse. Since Vatican II (and the publication of *Nostra Aetate*) the Catholic community has been more involved in dialogue and cooperation with people from other faith communities and with those of no formal religious faith.

25. Some faith communities, including the Catholic community, have not felt adequately protected by existing laws, and new legislation prohibiting religious discrimination in employment is most welcome.

26. It is entirely consistent with the spirit of this legislation that we insist on the right of faith communities to practise their faith freely and to engage in a range of religious, educational and charitable activities. This is a fundamental human right.¹³ The Catholic community has traditionally been engaged in many activities, in parishes, schools and a variety of charitable organisations. Some of these are aimed primarily at Catholics and others are offered to the whole community.

27. On the whole, new legislation allows space for faith communities to carry out activities for their own members, but this may be a matter that will require continued negotiation with public authorities. The provision of services or activities for its own members by the Catholic community or any other faith community is not to be equated with religious discrimination.

Sexual orientation

28. The Catholic community includes people of heterosexual, homosexual and bi-sexual orientation. Every human being, whatever his or her sexual orientation, has the right to live a life free from discrimination and harassment, and we welcome new legislation which protects this right. Moreover, people of all sexual orientations have a right to take a full and active part in the life of the Catholic community.

¹³ The European Convention on Human Rights and the Human Rights Act 1998 guarantee the freedom, either alone, or in community with others and in public or private, to manifest one's religion or belief in worship, teaching, practice and observance (Article 9).

29. Catholic teaching, of course, makes a distinction between sexual orientation and sexual activity, and it holds that all men and women are called to a life of chastity, and to fidelity if they choose to marry. Catholic organisations and institutions ask their members and staff to respect this teaching. In reaching a balance between individuals' private and family lives and their responsibilities within the organisation consideration may need to be given to the nature of the role and organisation in question.

Age

30. Ability rather than age must be the primary consideration when asking people to fill roles within the Church. We therefore welcome new legislation which (from 2006) will protect all of us against discrimination on the grounds of age, including a bias against young people. Catholic organisations must regularly review their policies on retirement and other age-related issues. We urge all Catholics to seek ways to encourage, support and fully involve people of all ages in the life of the Church.

Conclusion

31. Finally, we call upon all Catholics to make a real effort to be open to the challenge of the new legislation. This is an appropriate time to reflect deeply and to welcome the social and cultural changes that are required of us. Catholic organisations and institutions will want to review themselves in the light of these Guidelines and take appropriate action. They will want to check their own policies and practice against the values outlined here and against discrimination legislation. Organisations, institutions and dioceses should consider appointing or entrusting someone with responsibility for diversity and equality. Those producing their own policy and guidelines should ensure that they meet the standards laid down in this document and that effective steps are taken to ensure their implementation.

32. For ourselves, we hope to have given renewed emphasis to the process of creating within the Church a pattern of life founded on the love of God for each person – a place of welcome that enables all who wish so to respond to the invitation of faith. In doing this we will also contribute to the attempt of our society to become truly inclusive.

33. It is our desire that this document should be a catalyst for real change in our Church and the society we seek to serve. We intend to encourage this process in our own dioceses and to review progress in England and Wales through the Bishops' Conference after two years.

Appendix I: Glossary

The following definitions are simplified and the relevant legislation should be consulted in each case.

Affirmative action: a term used to describe law and practice in the United States where a degree of positive and reverse discrimination is permitted and sometimes required (but see notes regarding UK legislation under 'positive action' below).

Direct discrimination: where one person treats another less favourably than others on grounds of his or her sex, race, sexual orientation, disability, age or religion. An act may be discriminatory if it is based on, for example, sex- or race-based generalisations, assumptions or stereotypes.

Genuine Occupational Qualification (GOQ) or Genuine Occupational Requirement (GOR): an exception incorporated within discrimination legislation to allow preference (discrimination in favour of) to be given by employers to persons of a particular gender, religion, sexual orientation or race in limited circumstances. Specialist advice should be sought to establish whether Catholicism is a GOR for a particular post under the Employment Equality (Religion or Belief Discrimination) Regulations 2003. See Appendix II for an extended discussion of the GOR.

Harassment: behaviour or remarks, possibly based on a person's race, sex, religion, appearance or sexual orientation, perceived to be unpleasant, threatening, offensive or otherwise to undermine the dignity of the recipient or subject.

The new legal definitions under the Race Relations Act, and the Religion and Sexual Orientation Regulations define harassment as 'unwanted conduct which has the purpose or effect of violating dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment'. The law requires consideration of the perception of the individual to be taken into account, and the test for harassment has both subjective (the 'effect') and objective (whether an independent party would consider the alleged effect reasonable) elements, making this a particularly complex area of discrimination law. Outside the legal framework of discrimination law, employers have a duty to prevent harassment in the workplace on any grounds. Harassment does not need to be ongoing or repeated – one incident alone may be sufficient to constitute an act of discrimination.

Employment Tribunals and the courts have strong powers to take action in cases of discrimination and harassment. There is no limit to the financial penalty that can be awarded in such cases.

Indirect discrimination: where a neutral policy, criterion or practice is applied which is more difficult for people of a particular gender, race, religion, age or sexual orientation to comply with than others. In some cases, a defence may be raised that the policy, criterion or practice is justifiable.

Institutional racism: the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin.

Positive action: action taken by an employer to help redress any imbalances that may have arisen in the workplace as a result of past discrimination or disadvantage. The law allows employers to take measures in which people from a particular under-represented group are encouraged to apply for jobs in which they are under-represented or given training to help them develop their potential and improve their chances in competing for particular work. Positive action could therefore include targeted advertising or single-sex training opportunities. Once applications are received, all applicants must be judged equally on job-related criteria. Employing someone because they come from a particular group, regardless of whether the person has the relevant skills and qualifications, is positive discrimination and may be unlawful.

Positive discrimination and reverse discrimination: related concepts pertaining to activities which are likely to be unlawful under UK legislation. Action taken by an employer to favour the disadvantaged is positive discrimination. Action which disadvantages a normally privileged group may be reverse discrimination.

Reasonable adjustments: steps taken by an employer or service provider in accordance with the Disability Discrimination Act 1995 to prevent a substantial disadvantage being caused to a person with a disability. The steps taken must be such as are reasonable for the employer to take in all the circumstances and could relate to either a physical feature of premises or any arrangements (for instance, the way work is to be carried out) made by or on behalf of the employer.

Victimisation: action taken by an employer to the disadvantage of an employee on the grounds that the employee is seeking in good faith to rely on legal rights under discrimination legislation or intends to do so or is suspected of intending to do so.

Appendix II:

Genuine Occupational Requirement (GOR)

Religion or Belief

In any organisation, it is lawful for an employer to discriminate where being of a particular religion or belief is a 'genuine and determining occupational requirement' and where 'it is proportionate to apply that requirement in the particular case having regard to the nature of the employment or the context in which it is carried out'. For instance, one could require a Catholic Hospital Chaplain in an NHS Trust to be Catholic.

In organisations with an ethos based on religion or belief, it is lawful to discriminate where 'being of a particular religion or belief is a genuine occupational requirement for the job' and where 'it is proportionate to apply that requirement in the particular case'.

Where an employment is for the purposes of an organised religion, the law also allows an employer to apply a requirement related to sexual orientation so as to comply with the doctrines of the religion or (where the nature and context of the job warrant) so as to avoid conflicting with the strongly held religious convictions of a significant number of the religion's followers. It is important to note that the courts have interpreted this exception very narrowly and to seek advice before relying on it.

When applying a GOR, an employer must be clear as to which specific duties associated with a job require a person of a particular faith or belief. The employer will also be expected to be able to show that others in the organisation cannot carry out those duties. Moreover, the justification for a GOR must be made in relation to each job and must be re-examined each time the post is advertised to see whether circumstances may have changed.

It will be useful for an organisation to produce a statement of its vision, mission and values and a description of the ethos of the organisation. The description of specific jobs and specific duties can then be linked to the organisation's values and ethos, and it will be possible to decide which jobs in the organisation are most closely linked to its ethos and whether a GOR should be associated with those jobs.

Faithworks* has suggested that the following job functions might give rise to GORs in Christian organisations:

- leading the Christian purpose of the organisation
- developing or delivering the main Christian activities
- representing the Christian purpose of the organisation
- being the face and voice of the organisation
- being responsible internally for promoting the ethos of the organisation
- leading or supporting the spiritual life of the organisation

* Both ACAS and Faithworks have produced useful guidance relating to the GOR. See *Religion or Belief and the Workplace: a guide for employers and employees*, ACAS (2003). Also see *Christian Ethos Audit: a guide for Christian organisations to explore religious discrimination legislation and Christian ethos*, Faithworks (2003) adapted by the Archbishops' Council of the Church of England in consultation with Churches Together in England. See website: www.faithworks.info

Appendix III:

Expectations of Teachers in a Catholic School

Teaching in a Catholic school

Contractual Responsibilities: ethical behaviour

Statement of Principles Regarding Catholic Education

The task of the Catholic school is to provide an education which combines sound knowledge and skills with an overall personal development rooted in the fundamental truths of the Gospel. Such an education involves a high level of interpersonal transaction between staff and pupils. While the Catholic school is accountable to the general community for the provision of quality education to young people, it is also accountable to the Church community for providing this within the context of Gospel values. The goal of integrating religious truth and values in daily life and learning distinguishes Catholic schools from other institutions. In Catholic schools, students experience learning and living in the light of faith first and foremost through the witness and example of the teachers and leadership of the school.

Legal Background

The headteacher and all teaching staff in a Catholic school are employed by the Governing Body. It is the responsibility of the Governing Body to comply with all legal obligations in fulfilling its responsibilities towards Catholic education as well as observing good employment practice.

The Human Rights Act 1998 (which incorporates Art.8 of the European Convention on Human Rights) states that everyone has the right to respect for their private and family life. The EU Directive 2000/78/EC implemented in part through the Employment Equality (Sexual Orientation) Regulations 2003, in force since 1 December 2003, makes it unlawful to discriminate on the grounds of sexual orientation.

Some decisions in this area remain relatively straightforward. Others, for example where the conduct of a teacher is under consideration, are less clear-cut. Governors should be extremely careful not to make hasty judgements about conduct which is seemingly at odds with Church teaching. Every case will be different and must be considered on its own

facts and merits following advice and guidance from the diocesan office and where appropriate the LEA.

Points to consider:

Fair Appointment Procedures

1. Treat all candidates for employment and all employees equally.
2. For any appointment, prepare a matrix of essential and desirable qualities and qualifications to ensure candidates are judged on objective criteria. Only legal and fair criteria must be used, applicable to all candidates.
3. During the recruitment process, ensure that all candidates are aware of the school's Catholic ethos and the conduct that can be expected from teaching staff.

Potential discipline and dismissal problems

4. Where concerns come to the attention of the governing Body or headteacher about the conduct of a teacher allegedly being incompatible with the teaching of the Church, consider:
 - the source of the information – distinguish between malicious gossip, hearsay and established fact,
 - whether the conduct, if substantiated, would in fact be incompatible with the teaching of the Church,
 - whether the alleged behaviour is, or could be, prejudicial or detrimental to the interests of the school.

Further guidance in each individual instance is available to Governing Bodies from the diocesan office.

Appendix IV: Summary of main legislation

A fuller version of this appendix is available in the publications section on the CatholicHR website: www.CatholicHR.net

Article 13 European Council Directive 2000/78/EC

Proposals from the European Commission for combating discrimination:

Without prejudice to the other provisions of this Treaty, and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission, and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Disability Discrimination Act 1995 (DDA)

The DDA deals with discrimination against disabled people in the areas of employment, the provision of goods, facilities and services and premises, education and public transport. The DDA places a duty on public bodies to eliminate unlawful discrimination and promote equality of opportunity

Employment Equality (Religion or Belief) Regulations 2003

Make it unlawful to discriminate directly or indirectly against anyone, or to subject them to harassment or victimisation because of his or her religion or belief.

Employment Equality (Religion or Belief) (Amendment) Regulations 2003

Employment Equality (Sexual Orientation) Regulations 2003

Make it unlawful to discriminate directly or indirectly against anyone, or to subject them to harassment or victimisation because of his or her sexual orientation.

Employment Equality (Sexual Orientation) (Amendment) Regulations 2003

Employment Rights Act (1996)

Employment Act (2002)

Equal Pay Act 1970 (EPA)

The EPA gives an individual a right to the same contractual pay and benefits as a person of the opposite sex in the same employment, where the man and the woman are doing:

- like work; or
- work rated as equivalent under an analytical job evaluation study; or
- work that is proved to be of equal value.

The employer will not be required to provide the same pay and benefits if it can prove that the difference in pay or benefits is genuinely due to a reason other than one related to sex.

Gender Recognition Act 2004

This gives transsexual people the right to appear before a gender recognition panel who will consider their case and may issue a Gender Recognition Certificate. This Certificate will be physically indistinguishable from a Birth Certificate and will indicate the new legal gender and name. Information about a person's gender history is then regarded as 'protected information' under the Act, and it is prohibited for a person who has acquired such information in an 'official capacity' to reveal it. The Secretary of State may by Order allow exceptions where disclosure of protected information is permitted.

Gender Recognition (Exceptions to Offence of Disclosure) Order 2004/5 Human Rights Act 1998 (HRA)

This incorporates rights under the European Convention of Human Rights into domestic law. Individuals can bring claims under the HRA against public authorities for breaches of Convention rights. UK courts and tribunals are required to interpret domestic law, as far as possible, in accordance with Convention rights. Previous case law may be overturned if there is a breach of Convention rights and the relevant law can be reinterpreted in a way which is compatible with Convention rights. Convention principles include a general prohibition on discrimination – ie the freedom to enjoy the rights and freedoms in the European Convention on Human Rights without discrimination on any ground. Examples of grounds of discrimination are given but are only illustrative.

Maternity and Parental Leave etc Regulations 1999

These contain the detail of the rights to maternity and parental leave contained in the Employment Rights Act 1996 (ERA). They also prescribe the circumstances in which a dismissal will be automatically unfair for the purposes of the ERA if the dismissal is for a reason related to pregnancy, childbirth, maternity leave, parental leave, or time off for dependants.

Maternity and Parental Leave (Amendment) Regulations 2001

Maternity and Parental Leave (Amendment) Regulations 2002

Pensions Act 1995

This requires occupational pension schemes to observe the principle of equal treatment between men and women.

Race Relations Act 1976

This prohibits discrimination on racial grounds in the areas of employment, education, and the provision of goods, facilities and services and premises.

Race Relations (Amendment) Act 2000

Following changes made by the Race Relations (Amendment) Act 2000, there is also now a positive duty on public authorities to monitor, eliminate unlawful discrimination and promote equality of opportunity.

Race Relations Act (Statutory Duties) Order 2001 (S1 2001/3458)

Sex Discrimination Act 1975 (SDA)

The SDA prohibits sex discrimination against individuals in the areas of employment, education, and the provision of goods, facilities and services and in the disposal or management of premises. It also prohibits discrimination in employment against married people. It is not unlawful to discriminate against someone because they are not married.

Victimisation because someone has tried to exercise their rights under the SDA or EPA is prohibited.

Sex Discrimination (Gender Reassignment) Regulations 1999

Social Security Contributions and Benefits Act 1992

Statutory Maternity Pay (General) Regulations 1986

Statutory Maternity Pay (General) (Modification and Amendment) Regulations 2000

These contain the provisions relating to entitlement to Statutory Maternity Pay.

Canon Law references

Can.208 'Flowing from their rebirth in Christ, there is a genuine equality of dignity and action among all of Christ's faithful. Because of this equality they all contribute, each according to his or her own condition and office, to the building up of the Body of Christ.'

Can.220 'No one may unlawfully harm the good reputation which a person enjoys, or violate the right of every person to protect his or her privacy.'

Can.222 §2 '[Christ's faithful] are also obliged to promote social justice and, mindful of the Lord's precept, to help the poor from their own resources.'

Appendix V: Contacts and useful addresses

ACAS

ACAS is the employment relations service for England, Scotland and Wales offering advice to employers, employees and their representatives.
Brandon House, 180 Borough High Street, London, SE1 1LW
tel: 08457 47 47 47 National Helpline
textphone: 08456 06 16 00
website: www.acas.org.uk

The Catholic Association for Racial Justice (CARJ)

9 Henry Road, London, N4 2LH
tel: 020 8802 8080
fax: 020 8211 0808
email: info@carj.freemove.co.uk
website: www.carj.org.uk

Catholic Bishops' Conference of England and Wales

39 Eccleston Square, London, SW1V 1BX
tel: 020 7901 4828 or 020 7901 4831
fax: 020 7901 4821
email: taitel@cbcew.org.uk
website: www.catholicchurch.org.uk

Catholic Education Service

39 Eccleston Square, London, SW1V 1BX
tel: 020 7901 4880
fax: 020 7901 4893
email: general@cesew.org.uk
website: www.cesew.org.uk or catholiceducation.org.uk

Catholic HR

The network for those involved in people management issues in Catholic organisations in England and Wales

Chair: Sheila Hughes, email: Sheila.Hughes@CatholicHR.net

Secretary: Phil King, email: philipking@supanet.com

Communications: Fr Keith Miles, email: Fr.Miles@CatholicHR.net

website: www.CatholicHR.net

Catholic Interdiocesan Disabilities Network

Secretary: Seán O'Donnell
tel: 0121 441 5577 / 07973 908 274
fax: 0121 441 5599
email: seanodonnell@goretti.plus.com

Church Action on Disability (CHAD)

PO Box 10918, Birmingham B14 7YD
tel: 0870 243 0678
fax: 0121 441 5599
email: coordinator@chaduk.org

Commission for Racial Equality

St Dunstan's House, 201-211 Borough High Street, London SE1 1GZ
tel: 020 7939 0000
fax: 020 7939 0001
email: info@cre.gov.uk
website: www.cre.gov.uk

Department of Trade and Industry

website: www.dti.gov.uk/er/equality/eeregs.htm

Disability Rights Commission

DRC Helpline, FREEPOST, MID02164, Stratford upon Avon, CV37 9BR
tel: 08457 622 633
textphone: 08457 622 644
fax: 08457 778 878
website: www.drc-gb.org

Equal Opportunities Commission

Arndale House, Arndale Centre, Manchester, M4 3EQ
tel: 0845 601 5901
fax: 0161 838 1733
email: info@eoc.org.uk
website: www.eoc.org.uk

EOC Wales Office: Windsor House, Windsor Lane, Cardiff, CF10 3GE

tel: 029 2034 3552, fax: 029 2064 1079, email: wales@eoc.org.uk

Equality Direct

Equality Direct is an England-wide telephone advice service and supporting website for business, offering advice about equality issues.
website: www.equalitydirect.org.uk