



Briefing for the Public Petitions Committee

Petition Number: [PE1235](#)

Main Petitioner: Darren Burnside

Subject: Calls on the Parliament to urge the Scottish Government to amend the Education (Scotland) Act 1980 to remove the entitlement of a church or denominational body to approve the religious belief and character of prospective teachers so that any teacher, regardless of their religious belief, can teach in any school.

The petitioner states that this action is necessary so that any teacher, regardless of their religious belief, can teach in any school. The petitioner says that his wife has not been able to get a permanent post in a Catholic primary school because she is not a Catholic.

Legislative Background

Section 21 of the Education (Scotland) Act 1980 (the “1980 Act”), provides that a teacher shall: “require to be approved as regards his religious belief and character by representatives of the church or denominational body in whose interests the school has been conducted.” This was recently confirmed in the case of [McNab v Glasgow City Council](#) [2007] IRLR 476 which made it clear that the church requires to be satisfied as to the suitability of the “religious belief and character” of any teacher appointed to any post in a Catholic school. This does not mean, however, that all teachers have to be Catholic – rather, they need to be approved by the church.

Discrimination in employment on the grounds of religion and belief is unlawful under the [Employment Equality \(Religion or Belief\) Regulations 2003](#). However, this provision is restricted by regulation 39(1)(b) which provides that “These regulations are without prejudice to section 21 of 1980 Act” i.e. they do not overrule that Act.

Current Procedure

Following the McNab case, the recruitment process for teachers in Glasgow was revised. An application for church approval is only made once a preferred candidate has been identified by the local authority¹. Current Guidance on approval is available from the Scottish Catholic Education Service at <http://www.sces.uk.com/pages/Approval.html>. Applicants must provide a statement to demonstrate how their personal “religious belief and character” will enable them to undertake the duties associated with the particular post applied for. As well as referring to these duties, applicants are

¹ [See Glasgow City Council Minutes 28 June 2007](#)

advised to consider the distinctive features of a Catholic school as outlined in *A Charter for Catholic Schools in Scotland*.

Statistics

In 2007, there were 4,402 teachers in Catholic secondary schools, 2,592 of whom had church approval.² For primary schools, 3,673 out of 4,143 teachers had church approval.³

Scottish Government

In a speech in February 2008, Alex Salmond referred to: "...my unswerving support for faith-based education in Scotland."⁴

Scottish Parliament

The Equal Opportunities Committee considered this issue on 6 November 2007, in private. Press coverage referred to Michael McMahon saying he would leave the committee if it decided to carry out an inquiry into whether provisions for Catholic schools were discriminatory⁵.

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² [Table 3.14, Teachers in Scotland, 2007](#)

³ [Table 2.11 Teachers in Scotland, 2007](#)

⁴ [Cardinal Winning Lecture, 2 February 2008](#)

⁵ See [MSP in Catholic Schools Row, Sunday Herald, 7 November 2007](#)