



## THE EQUALITY ACT 2006

### PART 2: DISCRIMINATION ON GROUNDS OF RELIGION OR BELIEF

#### GUIDANCE FOR CATHOLIC SCHOOLS

JUNE 2007

#### **Purpose**

This guidance is to provide supplementary advice for headteachers and governors of Catholic Voluntary Aided schools to help them understand their obligations under Part 2 of the Equality Act 2006.

#### **Introduction**

Part 2 of the Equality Act 2006: Discrimination on Grounds of Religion or Belief came into force on 30 April 2007. Provisions of the Act make discrimination in the area of goods, facilities and services on grounds of religion or belief unlawful.

This means admissions, benefits and services for pupils, and treatment of pupils for all schools. However, some specific exemptions have been provided for faith schools. The exceptions mean that maintained schools, which have a religious character and independent schools which have a religious ethos are not subject to the provisions relating to admissions and pupils' access to benefits, facilities and services. (For the precise wording of the exceptions please refer to section 49 of the Act.)

#### **What does discrimination on Grounds of Religion or Belief mean?**

Discrimination on grounds of religion or belief means treating a person less favourably than another person is or would be treated, because of their religion or belief, or the religion or belief they are perceived to have, their lack of religion or belief, or the religion or belief, or lack of it, or of someone else with whom they are associated.

#### **Discrimination can be either direct or indirect**

**Direct** discrimination on grounds of religion or belief occurs when someone is given less favourable treatment on those grounds than someone else of another religion or belief, or none, receives or would receive, where there is no relevant difference in their circumstances

**Indirect** discrimination on grounds of religion or belief occurs when a provision, criterion or practice is applied to everyone but has the effect of putting people of a particular religion or belief, or none, at a disadvantage, and it cannot reasonably be justified on

other grounds. The complainant must actually have suffered that particular disadvantage though: it cannot be merely hypothetical.

Faith schools will still be able to publish oversubscription criteria that give priority to children who are members of or practise their faith. Parents of children who have not been admitted to a faith school simply because they are not members of or do not practise the faith will not be able to claim that their child has been discriminated against on grounds of religion or belief.

It also means that once pupils have been admitted, schools may not exclude them or subject them to any other detriment, on grounds of their religion or belief, or lack of it, or that of their parents, guardians, carers or associates.

### **Exceptions for the content of the curriculum**

There is a broad exemption in the Act for anything to do with the content of the curriculum. This is to ensure that all schools can continue to deliver the broad-based and inclusive curriculum to which all children are entitled without fear of challenge based on the religious views of particular parents, guardians or carers or children.

Catholic schools will still be able to mark or celebrate events specific to their religion and ethos. Parents, guardians or carers will not be able to claim that their children have been discriminated against simply because an equivalent celebration of events of significance to their particular religion is not arranged.

Faith schools will still be able to organise trips to a local church and will not have to organise visits to accommodate children of other faiths within the school. A Catholic school need not fear any claim of discrimination by, for example, the parents of a Muslim pupil who object that a visit to a local mosque has not been arranged when a visit to a local Catholic church has taken place.

### **Exceptions for collective worship**

All acts of collective worship provided by any school are exempted from the prohibition of discrimination under the Act. This ensures that all schools can continue to provide collective worship in the way legislation requires them to. It also extends to activities organised by or on behalf of the school, such as visiting a local church to participate in a service.

### **School uniform**

The school uniform policy should take account of pupils drawn from particular social, religious or racial groups and those with a disability or special educational needs. Governing bodies also have duties under the Human Rights Act 1998 and under anti-discrimination legislation.

**For more information please contact Christine Fischer on 020 7901 4880**