



Lord Hill of Oareford

Parliamentary Under Secretary of State for Schools

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Baroness Massey of Darwen
House of Lords
London
SW1A 0AA

11th August 2010

Dear Baroness Massey,

During the passage of the Academies Act, we discussed the employment rights of teachers and staff at voluntary controlled and foundation schools with a religious character.

On the second day of Committee, in response to a question from the Bishop of Lincoln about such rights, I said that *'staffing arrangements will be the same for Academies with a religious character as they are for maintained schools with a religious character'*. That statement summed up the Government's intentions in this area – and indeed our approach more generally, where we have been clear that our aim is to maintain the status quo where schools convert to Academy status. However, there is a specific issue of which officials have just become aware, which for the avoidance of doubt I want to bring to your attention and explain how we will address.

Perhaps I could just explain the background. Provisions within the School Standards and Framework Act 1998 provide that VA faith schools, independent faith schools and faith Academies may apply religious conditions in relation to the recruitment, remuneration and promotion of their teaching staff. These provisions also allow for the dismissal of any teacher whose conduct is incompatible with the school's religion. These types of schools may also apply religious criteria to non-teaching posts where there is a genuine occupational requirement under equality law.

Different provisions exist for staff at VC and foundation schools with a religious character. Such schools must appoint reserved teachers, who are appointed according to their ability to teach RE in accordance with the tenets of the school's religion. This may include the headteacher but the number of reserved teachers may not exceed 20% of the total number of teachers at the school. The school may then apply religious considerations to these posts. However, they may not take religious considerations into account in relation to support staff or the majority of teachers who are not reserved.

The Academies Act 2010 (Commencement and Transitional Provisions) Order 2010 ensures

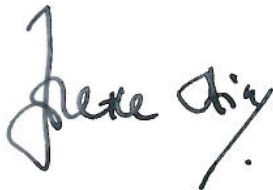
that parity is achieved between existing employees' previous and current employment rights when a VC or foundation school with a religious character converts to become an Academy. Academies will not be able to apply any religious considerations in terms of the remuneration, promotion and dismissal of any existing employees where they weren't previously permitted to do so as a VC or foundation school.

I have, however, just been made aware that this does not deal with the question of future staff (or applicants for employment) at any converting Academies that were formerly VC or foundation schools with a religious character. We are therefore taking action to address this in line with the principle of maintaining the same arrangements for converting Academies as applied for the predecessor maintained schools. As a result, we will include requirements in these Academies' Funding Agreements which ensure they act, in relation to these new staff and applicants, as if they remained VC or foundation schools with a religious character.

This will deal with the issue in the short term, but to put it beyond doubt for the longer term, we intend to bring forward provisions in the next Education Bill.

I am copying this to the Bishop of Lincoln and to Baroness Royall, and placing a copy in the libraries of both Houses.

With best wishes,

A handwritten signature in black ink, appearing to read 'Jonathan Hill', with a stylized flourish at the end.

JONATHAN HILL