

**CCMS**

Council for Catholic  
Maintained Schools

GC/AR

22 March 2021

Aoibhinn Treanor  
Clerk  
Committee for Education  
Room 205  
Parliament Buildings  
Ballymiscaw  
Stormont  
Belfast  
BT4 3X

Dear Ms Treanor

Your letter of 08 March sought confirmation of Council's position on the teachers' exemption in FETO, and on the Certificate for Religious Education (CRE) and any linkages between the two.

Council provided the Committee with the CCMS summary position on this matter under cover of my letter of 11 December 2020 to Mr Peter McCallion (attached for ease of reference). That briefing was provided in advance of an ongoing review of current policy involving all our partners in the provision of Catholic education. This review will also examine any other potential factors that are perceived or regarded as impediments to gaining employment in Catholic maintained schools. The Review is underway and we shall advise you and other interested parties as soon as we have completed our work, which we anticipate will be early summer 2021.

Council and the Trustees of Catholic schools would particularly welcome any opportunity to discuss in fuller detail any emerging NI Executive consultations or proposals for change in respect of the 'exception' to FETO and on the continuing need for retention of the Teachers' Certificate in Religious Education.

Yours sincerely

  
**Gerard Campbell**  
**Chief Executive**

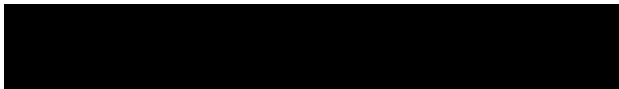
ENCS

Copy: Most Rev Donal McKeown DD, Chair of Council  
Council members  
Mr Fintan Murphy, Chief Executive, CSTS



Northern Ireland  
Assembly  
**Committee for Education**

Gerry Campbell  
Chief Executive  
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8 March 2021

**Our Ref:** 2021.104

Dear Mr Campbell,

**FETO Exemption**

At Its meeting on 3 March 2021 the Committee was briefed by the Ulster University UNESCO Centre on the teachers' exemption to Fair Employment and Treatment Orders legislation under Article 71 of FETO, as amended by Regulation 30 of the Fair Employment and Treatment (Amendment) Regulations (Northern Ireland) 2003. Teachers are not covered by provisions which make it unlawful to discriminate against someone in recruitment, employment or promotion on the grounds of religious belief or political opinion. The Committee discussed the rationale for the exemption and proposals for its reform.

The Committee agreed to write to you seeking your position on the teachers' exemption in FETO, and on the Certificate for Religious Education (CRE) and any linkages between the two. In particular, you might set out your views as to whether there remains a need for these arrangements and what reforms you might deem desirable.

If you require further explanation or clarification in respect of the above, please do not hesitate to contact me.

The Committee have written to other sectoral bodies and churches in a similar manner.

A written response on the matter on or before 22 March 2021 would be greatly appreciated.

Yours sincerely,



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GC/AR

11 December 2020

Mr Peter McCallion  
Committee Clerk  
Committee for Education  
Room 430 Parliament Buildings  
Stormont  
Belfast  
BT4 3XX

Dear Mr McCallion

***RE: FETO Exemption***

Thank you for your correspondence dated 27 November 2020 regarding the FETO Exemption and the request for clarity on the CCMS policy in respect of the use of the exemption.

I am pleased to attach a summary briefing outlining the current position of Council and wish to inform you that Council is giving consideration to the range of issues connected to FETO and its use within the Catholic Maintained Sector.

Yours sincerely



**Gerard Campbell**  
**Chief Executive**

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**Council for Catholic Maintained Schools (CCMS)**  
**A Summary Briefing on the Employment of Teachers in Catholic  
Maintained Schools**

**Purpose**

1. The Council for Catholic Maintained Schools (CCMS) welcomes all opportunities to engage in a professional debate on the employment of teachers in Catholic maintained schools. To inform such a debate CCMS has prepared the following paper to provide an outline or summary briefing of its perspective on i) the nature and purpose of Catholic education; ii) the existence of Catholic schools; iii) the 'exception' of teachers from the Fair Employment and Treatment (NI) Order 1998 [Article 71(1)(b)]; and, iv) the Teachers' Certificate in Religious Education.
  
2. CCMS is the employing authority for approximately 6,500 teachers in 450 Catholic maintained Nursery, Primary and non-selective Post Primary schools. It is important to note that CCMS does not employ teachers in, or represent, the Catholic Voluntary Grammar Schools. The Catholic Schools' Trustee Service (CSTS) may provide a further perspective on behalf of the Trustees of all Catholic schools.

**Existing Policy Context**

3. This summary briefing is provided in advance of a CCMS commissioned review of current policy and other potential mitigations aimed at addressing the factors that are perceived or regarded as impediments to gaining employment in a Catholic school. The nature of the summary briefing contained in this paper will be subject to the outcome of that review.
  
4. It is worth highlighting at the outset of this summary briefing that CCMS believes that the 'exception' of teachers from the Fair Employment and Treatment (NI) Order 1998 [Article 71(1)(b)] should remain in place until or unless any proposals for the repeal of the legislation can be demonstrated to give complete confidence to the future of Catholic education. It is also worth noting that CCMS does not

anticipate any relaxation of its requirement that teachers being recruited to a Catholic maintained primary school to hold the Teachers' Certificate in Religious Education by the time of taking up post (exceptions noted below paras 24 – 26).

### **Catholic Education**

5. Catholic schools uphold values espoused in Catholic Social Teaching which provides a vision for a just society in which the dignity of all people is recognised and where the rights of the most vulnerable are cherished and upheld. The guiding principles underpinning the ethos of a distinctive Catholic education are based on a complete philosophy of education, with its own understanding of the human person, the purpose and value of education, the relationship between education, family and the local community, and the purpose and meaning of life itself. Crucially, a Catholic education is not to be confused with Religious Education alone, which is only one part of the educational process.
6. In addition to taking into account a child's, spiritual, moral and religious need, Catholic education specifically enables the child to develop spiritual and moral values and to come to a knowledge of God. This is infused in the daily working practices of the school and specifically through the taught religious education element of the curriculum. In Catholic Schools, the Religious Education Programme is taught in a manner that complements other curricular areas such as History, Geography, Science, Visual/Art, Music, Drama, Literature and PHE.
7. Catholic education seeks to promote knowledge and understanding of the Catholic faith tradition while it simultaneously acknowledges, welcomes and accommodates pupils of other faiths and other traditions. It seeks to acquaint pupils with the inclusive, ecumenical and interreligious perspectives of the Second Vatican Council. In this way the Religious Education Programme in Catholic schools plays a pivotal role in the integration of all learning in the primary school curriculum by promoting the holistic development of pupils; ethically; spiritually; religiously. The Catholic school is committed to the promotion of equality, respect and inclusivity as well as serving, in particular, the needs of those on the margins of society. It also recognises that faith is always a free act and cannot be imposed. In addition it respects the right of every child to religious freedom and

choice, which has its foundation in the dignity of the human person. The Catholic school particularly acknowledges that parents are the primary educators and therefore seeks to respect their wishes.

8. Under the Northern Ireland Curriculum, the content of the curriculum for Religious Education currently remains the responsibility of the different Church authorities or patron bodies. In Catholic schools Religious Education integrates the many branches of learning within the NI Curriculum into a multi-coloured mosaic. Religious Education and ethical formation contribute to the integrated learning that is encouraged across the curriculum for Primary school children. It embraces diversity as a Christian and educational value; it fosters respect for differences in culture and religion on the basis of the dignity of every human being, and, it explicitly promotes a spirit of fairness, a concern for all who are in need, and the value of forgiveness in relationships.

### **Catholic Schools**

9. The existence of Catholic Schools is based upon two fundamental premises; that parents have the right enshrined in the European Convention and other international instruments, to ensure that education and teaching is in conformation with their own religious and philosophical convictions, and, that the core values of the Catholic faith are evident in all aspects of the ethos and management of the school and in the content and presentation of the whole curriculum, including pastoral arrangements. CCMS would be opposed to any proposals that would diminish either of these for any faith based schools.

### **The Fair Employment and Treatment (NI) Order – Article 71(1)(b)**

10. Since the 1930s when Protestant Church based schools transferred to the state all schools have had a discretion to appoint teachers on the basis of their faith. This position was confirmed by legislation in 1976. As a consequence all faith based schools have been able, at least in theory, to recruit and select teaching staff on the grounds of Religious belief. In legislative terms, this is currently provided for through what has commonly known as the teachers' exception to Fair Employment and Treatment (NI) Order 1998, subsequently narrowed by the FETO

(Amendment) Regulations (NI) 2003 from the employment to the recruitment of teachers.

11. In previous submissions to the Assembly on the draft single Equality Bill (2004), and again on the draft Education Bill (2013), CCMS has articulated its position that the Trustees of Catholic schools have a legitimate responsibility to ensure Catholic schools continue to meet the Catholic vision of education and the standards associated with it. Currently, the legal right to exercise this duty is protected by the 'exception' contained within Article 71(1)(b) of the Fair Employment and Treatment Order (NI). This empowers Catholic schools to be able to protect their values, as well as the structures and processes of education which reflect those values, as part of their right to have and promote a distinct religious identity in a diverse and pluralist society. In summary, the 'exception' to FETO is a necessary Article that allows Trustees and school governors to discharge with legal protection their responsibility to ensure that Catholic schools remain as described above.
12. Schools in the Catholic maintained sector rely on the exception to be able to assess a teacher's likely commitment to the aims, values and ethos of specifically Catholic education. Any repeal of Article 71(1)(b) could remove the ability to so assess candidates and should that commitment to ethos be tested.
13. Dunn and Gallagher in their investigation in 2002<sup>1</sup> concluded that the exception of teachers from the religious discrimination provisions is widely accepted within the educational sector, and that the support for change was a minority view. They reported that it was widely recognised that the exception was a consequence of separate religion schools in Northern Ireland, and in twin there was widespread acceptance of a "chill factor" for teachers.
14. In 2004 the Equality Commission conducted an investigation into the Article 71 Exception of Teachers from the Fair Employment and Treatment (NI) Order 1998 and called for this to be restricted to the recruitment of new teachers into primary schools initially, with the long term goal of its removal.

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<sup>1</sup> *The Teacher Exception Provision and Equality in Employment 2002 (Seamus Dunn and Tony Gallagher)*



## **The Teachers' Certificate in Religious Education**

15. As part of its recruitment procedures for teaching positions, CCMS advises that “Applicants for Primary and Nursery posts must hold a recognised Teachers’ Certificate in Religious Education on taking up post”. The requirement to hold the Certificate is applicable only to the recruitment of teachers and whilst CCMS applies the eligibility requirement, it has no responsibility for how the certificate is accessed, taught, awarded or administered.
16. The requirement to hold the Certificate has been in existence for many years and its origins can be traced back to the early establishment of Catholic schools. It has always been regarded as a genuine professional occupational requirement in Catholic schools which seek to educate children within the framework of a distinctive philosophy and associated set of values. However, it is important to stress at the outset that a teacher need not be a practising Catholic to have accessed, studied or acquired the Certificate.
17. CCMS has consistently clarified that the teachers’ Certificate in Religious Education is not simply a qualification that enables a teacher to prepare children for the sacraments. Rather, it is regarded as a genuine and necessary professional occupational requirement for those who aspire to be teachers in Catholic schools which seek to educate children within the framework of a distinctive philosophy of Catholic education and an associated set of values. The Religious Education programme in an intrinsically Catholic school is not a point in time experience around sacramental preparation. The programme and the teachers in Catholic primary schools play a pivotal role in the integration of all learning in the primary school by continuously promoting the holistic development of pupils; ethically; spiritually; religiously.
18. It is with all of the above in mind, that the Teachers’ Certificate in Religious Education is regarded by the CCMS and the Trustees of Catholic Schools as an essential measure of both a teacher’s professional suitability to work in a Catholic maintained primary or nursery school, and in some circumstances for some post primary schools, and their commitment to the underlying ethos of specifically Catholic schools.

19. Currently, the Certificate programmes are validated and 'Recognised' by the Episcopal Conference of Bishops in Ireland. All must offer pre-service and qualified teachers foundational knowledge and skills for communicating the Catholic faith to children in Primary schools. These programmes enable schools and their teachers to address the many spiritual and religious opportunities and challenges facing pupils in contemporary Ireland.

20. There are currently two routes to the acquisition of a Recognised Teachers' Certificate in Religious Education:

**As an Undergraduate** – For a teacher with an initial teacher education degree to be recognised to teach in a Catholic school they should have 120 contact hours\* in the area of Religious Education, to include an exploration of Catechesis and Catholic Religious Education, (hours of Religious or Theological subjects, in the B.Ed. or other degree), and of Religious or Theological Studies (taken in an additional Certificate). The prescribed areas for study include:

**As a Postgraduate** – For postgraduate students to be recognised to teach in Catholic schools in Ireland they should have 50 contact hours\* at a postgraduate level in the area of Religious Education, to include exploration of Catechesis and Catholic Religious Education and Religious or Theological Studies (hours of Religious or Theological subjects, in the Graduate Diploma or other degree).

21. Courses that lead to the acquisition of the Teachers' Certificate in Religious Education are available through a wide variety of approved providers and importantly the Certificate itself is open for all to obtain irrespective of their religious backgrounds or beliefs.

22. To ensure that the highest academic standards prevail, all Certificate programmes are reviewed by suitably qualified external examiners, appointed in accordance with the academic procedures in each of the respective Colleges. In the case of new or reaccredited programmes, an independent assessor, nominated by the Catechetical Council, should be consulted and may advise on changes to ensure conformity with course requirements.

23. It is envisaged that this Certificate should eventually be located on Level 7 of the NQAI framework, Special Purpose Certificate Award (24-30 Credits) recognising the professional, developmental and occupationally related nature of the Certificate.
24. In April 2013, the Council for Catholic Maintained Schools endorsed a major change in policy that allowed for any potentially redundant teacher from any sector to be redeployed into a Catholic maintained primary or nursery school without first having obtained a Teachers' Certificate in Religious Education. That redeployment opportunity however remains subject to a commitment from that teacher to source and obtain the Certificate within a reasonable period of time, which the CCMS has determined, would be three years.
25. Such teachers will be given an opportunity to discuss and understand the faith based nature of the Catholic Education system so that they can be satisfied that they would be content to work in the sector. They will be offered an opportunity to demonstrate a commitment to the ethos of the sector which will in essence be measured by the teacher giving a contractual undertaking that they will gain the Teachers' Certificate in Religious Education within three years from the date of redeployment. Failure to have secured the Certificate within a reasonable period of time, without good cause, will lead to the termination of their contracts of employment.
26. This policy change was a positive and engaging step that recognised that there should be no situation in which valued teachers, from other sectors or indeed from our own Catholic post-primary schools would face redundancy as a consequence of not having pre-obtained the Teachers' Certificate in Religious Education. It sought to build on the collaborative approaches to redundancy management and teacher redeployment that had been developed between the various employers and the Trade Unions over the preceding years. It was viewed as an issue that would become increasingly important as all school sectors progress towards a more cohesive approach to Area Based Planning.

## **Conclusion**

27. In summary, this paper contains only a summary briefing on CCMS' existing views on the fundamental nature and purpose of Catholic education, the existing 'exception' to FETO, and, the Teachers' Certificate in Religious Education. CCMS, its Council and the Trustees of Catholic schools would welcome opportunity to comment in fuller detail to any future consultations or proposals for change in respect of either the 'exception' or on the Teachers' Certificate in Religious Education.



**Northern Ireland  
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27 November 2020

**Our Ref:** 2020.670

Dear Mr Campbell

**FETO Exemption**

At its meeting on 25 November 2020, the Committee considered briefings on the Independent Review of Integrated Education from the co-author of the related report and from Departmental officials.

The Committee discussed with witnesses recommendation 38 of the report:

*That, in order to encourage all schools to have cross-community staff, the Executive should reform legislation so that teachers at secondary level be no longer exempted from the regulations of Fair Employment; and that early consideration be given to the removal of teacher exemption at all levels.*

The Committee agreed to write to the Council for Catholic Maintained Schools seeking clarity on its policy in respect of the use of the Fair Employment and Treatment (Northern Ireland) Order 1998 (FETO) exemption for the recruitment and employment of teachers in Catholic Maintained primary and post-primary schools.

If you require further explanation or clarification in respect of the above, please do not hesitate to contact me.

A written response on or before 11 December 2020 would be greatly appreciated.

Yours sincerely,

*Committee for Education  
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**Peter McCallion**  
**Committee Clerk**

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