

# **Presentation to the NI Assembly Executive Office Committee Session: 23<sup>rd</sup> February 2022**

The Fair Employment and Treatment (Northern Ireland) Order 1998 outlaws discrimination on the grounds of religious belief and political opinion in a number of settings. Article 71 of the Order however specifically exempts schoolteachers from employment protection under the legislation; in effect allowing Boards of Governors (who appoint and promote teachers) to discriminate between candidates on the basis of their faith and their community identity. The exception also means that there is no requirement for authorities that employ teachers to monitor the community composition of their workforces. Thus, there are no official records of the community profile of teachers employed in either Controlled schools and other school types attended predominantly by Protestants) or Maintained schools and those managed under the auspices of the Catholic authorities.

Research that I conducted in 2018 gathered responses to an on-line career survey from a statistically significant number of teachers – over 1,000 – drawn from across all school sectors in NI. Analysis of this data identified that:

- 2% of teachers in Catholic Maintained primary schools had followed a non-Catholic path through education in NI
- 7% of teachers in Controlled primary schools had followed a Catholic path through education in NI
- 8% of teachers in Catholic Maintained post primary schools were non-Catholic
- 17% of teachers in Controlled post primary schools were Catholic
- 17% of teachers in Catholic Voluntary Grammar schools were non-Catholic
- 23% of teachers in non-Denominational Voluntary Grammar schools were Catholic

This demonstrates a significant change in the composition of post primary and grammar schools staff rooms as recorded in previous research (conducted in 1977 and 2004 – both of which identified high levels of community consistency across all school sectors) but less change in primary schools generally, with Maintained primaries showing least diversity among teaching staff.

Interviews with a purposive sample of teachers who had crossed out of their community of origin to work in a school on ‘the other side’ identified key issues underpinning this pattern of deployment.

- Policy
- Perceptions
- Practice

With regard to policy, teachers felt that the FETO exception was rarely (if ever) called upon to justify appointments – none of those interviewed could recall a case in which the FETO exception had been specifically called upon to justify an appointment. Other factors were more effective in limiting community cross-over.

The separation of teaching colleges for those aspiring to teach in primary school – Stranmillis and St Mary’s – where the ethos of the institutions prepared prospective teachers to adopt a myopic perspective. And encouraged them to remain within familiar settings - undertaking teaching practice within the associated sector.

Choice of college also affected students’ opportunity, awareness and enthusiasm to undertake the RE Certificate that has been accepted by DE as a legitimate occupational requirement for teachers seeking permanent employment in all Maintained primaries – it is consequently unlikely that teachers from a Protestant community background will undertake the Certificate, yet it has almost blanket coverage among Catholic teachers across all sectors.

*When you are in a Catholic school and you are advertising for a teacher you have to put that thing in about the Catholic certificate so it’s highly unlikely you will get any non-Catholics applying for the job. There is a hidden agenda there.*

Interviewees spoke of a perception that there is no point in applying to a school outside your 'sector'. The community separation of teachers may therefore be a self-fulfilling prophecy – teachers chose not to apply for posts on the other side because they presuppose that any such application would be unsuccessful – the veracity of the supposition made was effectively confirmed but never tested.

*There are myths about the other schools: "Don't apply." "You won't get the job."  
"There's no point!"*

Thus, with regard to employment practice, the presence of the FETO exception contributes to a climate where religious discrimination is an accepted component in the process of appointing teachers. It is an effective deterrent by the simple virtue of its existence – sending out a clear a signal that prevents a Catholic teacher from even considering employment in a Controlled school or a Protestant teacher to apply to a Maintained school.

*In teacher training you were told that schools had the right to employ their staff to reflect their student body. So, you were told that, if it's a 100% Catholic school they have the right to – or they can fight to – have 100% Catholic teachers. I know in those days it was simply – well you don't have much hope of getting in there.*

The FETO exception has however been called upon to justify intra-faith discrimination and may be used, for example, to ensure that a teacher with a record of church attendance can be employed ahead of one whose faith adherence may have lapsed, or an applicant aligned with one Protestant denomination may be preferred to a better qualified teacher from another denomination.

Appointments to teaching posts are made by voluntary Boards of Governors. These are often chaired (or heavily influenced) by clerics. There were comments made that the FETO exception had afforded church representatives to rule on the religiosity of a candidate thereby leaving them vulnerable to charges of nepotism:

*They are still trying to downsize the teaching force here, they won't give any full-time jobs, very rarely unless you are the nephew of a Father such-and-such, which is another story...*

*Some of the appointments... I don't know how the people got the jobs. Somebody knew somebody whose grandfather was on the Board of Governors – all schools have teachers like that. But we are left with it.*

Such employment practices do not work to the benefit of the creation of an inclusive, egalitarian society, of ensuring effective local community relations or of providing our children with the best education to prepare them for full engagement in such a society.

The evidence from this research indicates that removing the teacher exception would not impact on the teaching of religious observance, such as sacraments, in school – those posts (essentially in Catholic maintained primaries) are already protected by the RE Certificate requirement.

The removal of the FETO exception on its own is unlikely to have any large-scale immediate impact on the proportion of teachers who are employed across the divide. It has been suggested that it does enable Integrated schools to use faith to discriminate between applicants for teaching posts in order to ensure that their staffroom is balanced in line with the classroom. But, as is evidenced by the presence of the IEF here today, the proposed repeal has broad support across the integrated movement.

The passing of this Bill would, however, send a clear, unequivocal signal that discriminatory employment practices have been consigned to history. That this society values equality of opportunity and that we want our children to be educated by the best teacher – not just the best available teacher of a particular faith.

### **References:**

Milliken, M., Bates, J. & Smith, A. (2021) Teaching across the divide: perceived barriers to the movement of teachers across the traditional sectors in Northern Ireland, *British Journal of Educational Studies*, 69:2, 133-154 DOI: [10.1080/00071005.2020.1791796](https://doi.org/10.1080/00071005.2020.1791796)

Milliken, M., Bates, J. & Smith, A. (2020) Education policies and teacher deployment in Northern Ireland: ethnic separation, cultural encapsulation and community cross-over, *British Journal of Educational Studies*, 68:2, 139-160, DOI: [10.1080/00071005.2019.1666083](https://doi.org/10.1080/00071005.2019.1666083)