**TEACHER EXCEPTION MEETING WITH EQUALITY COMMISSION MINUTE**

Dear Darren and Roisin,

Thank you for that productive and informative meeting at Brian Garrett's apartment on 12 September.

I thought I would follow up with an outline of some of the areas covered, as we saw them, our proposals, and possible future actions.

As you know, the meeting was prompted by the decision of Stranmillis to start teaching the Certificate for Religious Education. That certificate is necessary for employment in Catholic primary and nursery schools but not in secondary schools.

The teacher exception from fair employment law (Article 71, Fair Employment and Treatment Order 1998 or FETO) continues and the Equality Commission wishes to see it removed for secondary schools. Although you said it was not a priority in your current corporate plan, you did remind government regularly of your view.

Monitoring of teacher appointments by school authorities is also not required due to the exception, which was written into EU law on 27 November 2000 by Council directive 2000/78/EC.

There is no longer any marked opposition to abolition although there is uncertainty as to the political reasons for the SDLP and Sinn Fein invoking a petition of concern to stop a UUP abolition amendment in the Assembly in February 2016. A lack of consultation was one reason mentioned.

<http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2016/02/22&docID=260126>

The Commission recognised that law change alone will not eliminate the current chill factor in school appointments. This would persist and needs considered separately.

We made several suggestions for future action:

* Teacher unions are favourable to change, as is CCMS. Indeed CCMS said it was minded to monitor the appointments position in its schools. Joint work between ECNI and CCMS could be undertaken using again the Commission’s powers of investigation into teaching staff composition under FETO.
* It is important to bring teachers with us, preferably by open debate and consultation, and not by stealth, especially if the exception was to go for all schools.
* The Commission, as a first step, should amend its policy to now include primary and nursery schools i.e. total removal of the exception, and major on that policy change in its media and press work. This would bring NI into line with the rest of Europe.
* It could draft a model reform Bill which could be adopted quickly if the opportunity for legislation arose as this summer. This was felt unlikely, not being normal ECNI procedure. However an alternative was suggested of commissioning research within a broad review and seeking opinion on legal options and alternatives.
* A conference might be a good starting point if the Commission were to move into a campaigning mode, as opposed to simple reiteration of opposition to the exception.
* The question of integrated schools and how they would operate without a teacher employment exception is something that needs special consideration and views should be widely sought.
* Any replacement arrangements, especially if on the lines of the English model, the Schools Standards and Framework Act 1998 (sections 58-60), would need early and careful consideration. With its rather arbitrary 20% or one fifth maximum of posts in religiously based schools being exempt if meeting the test of genuine occupational requirement that Act may not be the best example to follow. The critical 2016 Equality and Human Rights Commission report refers. This area would merit an early ECNI research paper.

We also spoke of the designation of schools under section 75 of the NI Act 1998, in particular, in relation to sexual orientation. We recognised that in its standard form, that would impose a great administrative burden on schools while it was said that s. 75 produces limited outcomes.

Alternatives such as anti-bullying rules currently under consideration might be beneficial. “A test of community harmony” could be adopted as policy by ECNI in this area.

Correct me if any of this is wrong or you would like additional text.

Regards

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25 September 2019