**EDUCATION BILL**

**Open Letter**

**To: Members of the Northern Ireland Legislative Assembly urging support for an amendment to the above Bill (currently in progress) to end the exception in law of appointment of teachers from Fair Employment law in Northern Ireland.**

**Signatories to Open Letter:**

The undernoted have confirmed their wish to be signatories to the within Open Letter.

**List of signatories:**

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| **Kate Hoey MP**  | **Dorinda Lady Dunleath**  |
| **Brian Garrett (Solicitor, former Chairman NI Teachers’ Salaries and Conditions of Service Committee)** | **Professor Juliet Cheetham OBE (Member of the N.I. Standing Advisory Commission on Human Rights in the 1970s)** |
| **Lady Bain**  | **Martin Mallon (Solicitor)**  |
| **Lord Alderdice of Knock** | **Frances Green** |
| **Professor Henry Patterson**  | **Lord Rana of Malone** |
| **Andy Pollak** | **Neil Faris (Solicitor)** |
| **Simon Chambers (Solicitor)** | **Maurice Leitch** |
| **Baroness Blood of Blackwatertown** | **Michael Smyth CBE** |
| **Connal Parr**  | **Lord Lexden of Strangford**  |
| **Graham Walker (Professor of Political History QUB)** | **Cllr. Andrew Muir (Chairperson, Alliance Party)**  |
| **Baroness O'Neill of Bengarve** | **Alf McCreary (Columnist)** |
| **Sean Doran** | **Professor Arthur Aughey** |
| **Dr Dennis Kennedy**  | **Bernard Fitzpatrick BL** |
| **Steven Agnew MLA (Green Party)**  | **Professor Brice Dickson**  |
| **Stephen Richards (Solicitor)** | **Douglas Carson** |
| **Douglas McIldoon (formerly Electricity Regulator)**  | **Tony Kennedy (Chairperson, John Hewitt Society)** |
| **David Flinn** | **Richard Jay**  |
| **Erskine Holmes**  | **Professor Liam Kennedy** |
| **Ruth Dudley Edwards (Columnist and Author)** | **Ronnie Flanagan (former Chief Constable, PSNI)** |
| **George Woodman MBE** | **Dr Steven King** |
| **Gordon R E Lucy** | **Professor John Wilson Foster**  |
| **Anne Devlin (Playwright)** | **Barry Gilheany** |
| **Dr Bill Smith** | **Professor Barry Fitzpatrick** |
| **Lord Rogan of Lower Iveagh** | **David Hoey** |
| **Lady Rogan of Lower Iveagh** | **Stephen McCord** |
| **Avril Hall-Callaghan**  | **Audrey Stewart** |
| **Jeffrey Dudgeon MBE** | **Dr Austen Morgan BL** |
| **Ulster Teachers’ Union**  |  |

**May 2013**

**Open Letter to the Members of the Northern Ireland Assembly**

**Parliament Buildings, Stormont, Belfast**

We, the listed signatories, hereby request members of the Northern Ireland Assembly (MLAs) to remove the exception in fair employment law on the appointment of school teachers in Northern Ireland by an amendment to the Education Bill (‘the Bill’) currently being debated at Stormont. The Bill will replace both the Education and Library Boards and the Council for Catholic Maintained Schools with a single Education and Skills Authority.

Since 1976, when the Fair Employment Act was passed, teaching appointments have been excluded from anti-discrimination law. Candidates for teaching posts can be discriminated against on grounds of religion and have been without any legal protection in this area. This is a denial of the principle of equal opportunity for 20,000 teachers in Northern Ireland.

The Northern Ireland teacher exception was carried forward into EU law in Council Directive 2000/78/EC which otherwise established a general framework for equal treatment in employment and occupation (that 2000 Directive outlawed discrimination based on religion and other factors).

No other part of Europe has been granted a derogation or opt-out for school teachers or other categories of employee. Every other EU country, including Ireland, felt able to rely on Article 4 of the new Directive to protect the interests of denominational schools. It permits “a difference of treatment” so that those teaching religion can be appointed “with regard to the organisation's ethos.” There has been no successful challenge to it or Article 4.

The 1998 England & Wales Schools Standards and Framework Act allows up to 20% of teaching appointments in a school with a religious ethos or character to be given, if required, to those fit and competent to provide religious education and we feel this would be a suitable model to follow.

We do not take up any position here on the wider issue of integrated education, except to say an integrated teaching force is surely essential for any shared schooling arrangements.

The Equality Commission has reviewed this matter several times and has favoured the exception’s removal. The change proposed does not involve any change of status/control of schools in Northern Ireland (be they controlled, maintained or integrated).

The current legal situation is anomalous particularly in light of the 15 years since the Good Friday Agreement was signed, and the reduction of barriers between the communities. Which is not to say, however, that community relations are still not fraught with difficulty. We believe this reform would play a beneficial role between communities which are significantly out of contact with each other, with young people able to meet those of a differing faith teaching in their classroom.

The reasons for making this change are as true now as they were when sought in 1976. Time however has proved this unique exception from anti-discrimination legislation increasingly redundant, not least, because of the arrival in Northern Ireland of significant numbers of children from ethnic minorities. Diversity is now evident.

This issue is ultimately about fairness. It is time to revisit the law and change it. Parents, pupils and teachers are doing so already with their feet, choosing at times schools for reasons other than denomination. Allowing the best teacher to be appointed in our schools, regardless of religion, is in the interests of everyone and threatens no-one.