



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE

Directorate D: Equality
Unit D.1: Equal treatment legislation

Brussels,
JUST/D1/PL

British Humanist Association
Mr. Richy Thompson
Gower Street 1
London
WC1E 6HD
United Kingdom
e-mail: richy@humanism.org.uk

Subject: Your complaint EU Pilot 3800/12/JUST - CHAP (2010) 1206

Dear Mr. Thompson,

I refer to your complaint concerning the conformity of the UK School Standards and Framework Act 1998 (SSFA) with Article 4 of Directive 2000/78/EC on Employment Equality. Your complaint was originally registered under reference number CHAP(2010)1206 and subsequently under EU Pilot number 3800/12/JUST for contacts with the UK authorities in this matter.

More specifically, your complaint focused on Sections 58 and 60 of the SSFA in relation to appointment, remuneration, promotion and dismissal of teachers in voluntary aided schools with a religious character.

As we mentioned previously, our initial assessment was that the SSFA raised questions about conformity of some of its provisions concerning employment in teaching posts with Article 4 of Directive 2000/78/EC, since they appeared to permit religious conditions to be applied to a wide range of teaching posts in connection with the appointment, remuneration, promotion and dismissal of teachers and other staff in the schools without providing them with the necessary safeguards against discrimination. Consequently, we contacted the UK authorities to ask for clarifications in the matter to be able to assess whether any breach of the Directive was at stake.

I regret the delay in providing you with our final assessment in this matter. This is a complex issue in which the Commission has exchanged two rounds of letters with the UK authorities. We have also taken note of your analysis of the first UK reply, a copy of which you received from the UK authorities.

After careful analysis of all relevant elements, we have come to the conclusion that the UK has provided sufficient clarification as regards its narrow interpretation of Sections 58 and 60, which merely enables the faith-based education and is limited to ensure the maintenance of the religious character of the school. We consider that such an interpretation is in line with Article 4 of the Directive.

On the basis of the above, I regret to inform you that we are not planning to take any further action as regards your complaint, since we have not been able to identify any breach of EU law by the UK.

If we do not receive any further elements from you which could indicate a breach of EU law within four weeks of sending this letter, we will close the handling of your complaint.

EU Pilot file 3800/12/JUST concerning conformity of various UK laws with Article 4 of Directive 2000/78/EC remains open, since it concerns a number of other UK laws in a more horizontal way and did not deal only with your complaint. We are currently waiting for the UK to notify a legislative amendment as regards another matter, which is not related to your complaint.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A. Stein', written in a cursive style.

Andreas STEIN