

Vernon Coaker MP  
Minister of State for Schools and Learners  
Department for Children, Schools and Families  
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18 September 2009

I am writing to you to seek further clarification to the written answer you provided to a question from Evan Harris MP on Wednesday September 9<sup>th</sup> regarding teacher conduct in voluntary-aided schools with a religious character.

Hansard recorded the question from Evan Harris MP and your reply as follows:

Dr. Evan Harris: To ask the Secretary of State for Children, Schools and Families whether teachers can be dismissed for conduct incompatible with the tenets of the religious denomination specified in relation to voluntary-aided schools with a religious character. [290664]

Mr. Coaker: Voluntary-aided schools with a religious character do have the ability to have regard to the conduct of a teacher which is incompatible with the tenets of the religion of the school when considering the termination of employment of any teacher.

I firmly believe and trust in the professionalism of our head teachers and in the skill and abilities of governing bodies across the country to ensure that they conduct the employment process fairly and in line with relevant legislation.

Your answer appears to suggest that voluntary-aided schools have enormous and potentially arbitrary legal powers over the way they treat staff which goes far beyond what domestic and EU law provides. As a consequence, your response provoked a great deal of concern for us and begged many unanswered questions.

Therefore, we would like to understand in greater detail how the legal right that voluntary-aided schools with a religious character have to dismiss teachers for conduct incompatible with the tenets of their religion operates, and what its limits are.

To help us develop a better understanding could you tell us:

1. Who can and should determine if a teacher's conduct is incompatible with the tenets of a school's religion?

2. Who can and should establish what is and is not proscribed by the tenets of a school's religion? You will be aware that religious teaching is often contradictory and not constant.
3. Are there any procedural or legal limitations to the scope of what conduct can be considered as conduct against a religious tenet? If so, can the DCSF provide us with information setting out what they are?
4. What process of redress do staff or their representatives have to challenge disciplinary procedures made about their conduct on the basis of the tenets of a religion? If there is a recognised appeals process could you set it out for us?
5. Are we correct to assume that voluntary-aided schools with a religious character can also discipline and reprimand their staff if their conduct is deemed incompatible with the tenets of the school's religion?
6. What exactly is meant by a teacher's conduct? i.e. Does this religious scrutiny only apply to a teacher's conduct in their professional capacity, or potentially to any part of their private life as well, whether that be in the past, present or proposed for the future?

I will look forward to receiving your full reply in due course.

Yours sincerely,

Andrew Copson  
Director of Education and Public Affairs