DIOCESE OF Hexham & Newcastle

DEPARTMENT FOR EDUCATION

Recruitment Guidance for Senior Catholic Posts

Section A

GENERAL GUIDANCE AND KEY DOCUMENTS FOR CATHOLIC EDUCATIONTRUSTS AND GOVERNORS

Sep 2025

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INTRODUCTION

For some senior posts in a Catholic school or Catholic Education Trust (CET) there is a requirement for the postholder to be a practising Catholic. These senior Catholic posts are the CEO, Deputy CEO, Executive Headteacher, Headteacher, Head of School, Deputy Headteacher, Head of RE, RE subject leader, and Lay Chaplain plus any other post that involves leadership of Catholic ethos, e.g., Director of Ethos.

In a CET the responsibility for the appointment of these senior Catholic posts is in line with the scheme of delegation.

This recruitment guidance and related documentation has been produced by the Diocesan Department for Education (DDfE) to provide support to the recruitment panel in the appointment of those to senior Catholic posts in our Diocesan schools[1] and CETs.

A. **General Guidance and Key Documents** (this document)

- Provides an overview of the appointment process, which the appointing panel should read prior to the initial meeting. It contains information on appointments from the Catholic Education Service (CES) on behalf of the Bishops' Conference of England and Wales. In particular, it makes explicit the requirement that applicants for senior Catholic posts must be practising Catholics and it clarifies what this means. It also includes a key interview question on this point that must be asked in all such interviews.

B. **Procedural Guidance** includes:

- Agendas and supporting documentation to enable the panel to plan and carry out the appointment process, and specifically the initial meeting and shortlisting meeting.
- Information about post-interview tasks that must be carried out by the panel.
- Proformas including reference requests, presentation and interview working sheets.

C. **Job Descriptions, person specifications shortlist working sheets**:

- C1 Recruitment to Executive Headteacher, Headteacher and Head of School posts in Catholic schools
- C2 Recruitment to Deputy Headteacher posts in Catholic schools
- C3 Recruitment of Heads of Religious Education
- C4 Recruitment of Lay Chaplains

All documents are published separately on the DDfE website. It is recommended that this document and document B, and the appropriate document C, are given to the panel prior to each meeting. Individual documents and proformas for use during the appointment process are available for download at **Recruitment - Diocese of Hexham & Newcastle**

[1] The term 'school' also covers 'academy.' With regards to academies, any reference to 'instrument of government' means 'articles of association.'

All senior Catholic posts should be externally advertised. In some limited cases, it is possible for a post not to be externally advertised. However, this will only be permitted where the panel can demonstrate there is a good reason not to advertise the post externally and with consent from the Director of Education at the DDfE.

Why is it a requirement for some posts be held by practising Catholics?

Catholic schools are at the heart of the Church's wider educational mission. Their senior leaders[2] are responsible, together with the panel and local governing committee (LGC), for ensuring that the school's Catholic mission and life are at all times promoted and developed. This includes direct accountability for assuring high quality in the provision of religious education and prayer and liturgy. To meet this responsibility, leaders in Catholic schools need a good understanding of the broad aims and purposes of Catholic education and in particular of the Bishop's vision for Diocesan schools. A strong personal faith is essential to sustain them in their demanding, but ultimately fulfilling, role.

The role of the panel

Foundation directors and foundation governors are the stewards of their school's Catholic character and are accountable for this to the Church and community. To fulfil this special responsibility, the panel has a duty under both Canon Law and statute to ensure that they appoint senior leaders who will not only excel in their professional responsibilities, but who will enhance the distinctive nature of the school, promoting high standards in the quality of religious education and provision for prayer and liturgy. For this reason, the Bishops' Conference of England and Wales has specified the Church's expectations[3] that these posts are for Catholic teachers[4] who combine personal conviction and the practice of their faith with the required professional qualifications and experience. This, too, applies to lay chaplains, although the expectation is not that the postholder holds a teaching qualification.

Diocesan recruitment advisers

Catholic Education Trusts and schools are required to seek the assistance of a Diocesan recruitment adviser for the appointment of a CEO, deputy CEO, executive headteacher, headteacher, head of school, deputy headteacher, head of RE, and Lay Chaplain plus any other senior leadership post that involves leadership of Catholic ethos. This assistance must be arranged through the DDfE. Please note, a headteacher cannot act as a Diocesan recruitment adviser in his/her own school or CET.

Equal opportunities

The principles of justice and of fair practice in the selection of staff must be of key concern to Catholic employers who have a duty to recognise the dignity and worth of all who apply to work in our schools and CETs. Failure to do so would not only leave the panel open to legal challenge on grounds of discrimination but would be morally wrong.

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[2] The term 'senior leader' also incorporates executive headteacher, and head of school. The principle to be applied is that this minimum requirement will apply to the most senior leadership post i.e. the person with overall responsibility for the day-to-day management of the school, and the person who is the second most senior person in the leadership team. Bishops' Conference 11.09.2014

[3] See Memorandum of Bishops' Conference of England and Wales on appointment of Headteacher and Deputy – Section 4

[4] See point 16, section 11 of DfE publication *Governors Guide to the Law* May 2012.

Key points are:

- Selection processes must aim to select the best applicant assessed against the criteria for the post.
- No candidate should be treated unfavourably or discounted for a post on grounds which are arbitrary or irrelevant to the post. This applies to acting/temporary appointments as well as those which are permanent.

Acting senior leadership positions

If an acting position arises, the Diocese must be contacted by email so that guidance can be given about how to proceed with the acting appointment, in response to the specific circumstances.

Who is responsible for the appointment of senior Catholic leaders?

The board of directors is responsible for the recruitment of **CEOs and Deputy CEOs.** The Diocesan Director of Education and Episcopal Vicar for Education will be present for the whole process from the initial meeting to appointment as advisors to the board.

Governing Boards must ensure that monitoring, training and advising on religious education in schools is only carried out by persons appointed and/or approved by the Diocese.
(Protocol 10 – Diocesan Protocols on Religious Education)

The board of directors is responsible for the appointment of Executive Headteachers, **Headteachers and Heads of School**. This must not be delegated to the LGC. The chair of the LGC and the priest with pastoral responsibility are invited to take part in the process in an advisory capacity. The board may include other members of the LGC in the process in an advisory capacity. The Diocese will be represented for the whole process from the initial meeting to appointment in an advisory capacity.

The board of directors is responsible for the appointment of **Deputy Headteachers**. This may be delegated to the LGC. If it is not delegated, the chair of the LGC and the priest with pastoral responsibility are invited to take part in the process in an advisory capacity. The Diocese will be represented for the whole process from the initial meeting to appointment in an advisory capacity.

The LGC is responsible for the appointment of **Heads of RE**. The Diocese will be represented for the whole process from the initial meeting to appointment in an advisory capacity.

The LGC is responsible for the appointment of **Lay Chaplains**. The Diocese will be represented for the whole process from the initial meeting to appointment in an advisory capacity. Whilst the Diocese is not the employer, the position of lay chaplain is a canonical appointment by the Bishop. The priest with responsibility for lay chaplains must also be present at these appointments.

BISHOPS' CONFERENCE MEMORANDUM ON APPOINTMENT OF TEACHERS IN CATHOLIC SCHOOLS

Memorandum on Appointment of Teachers in Catholic Schools

The Bishops' Memorandum sets out the Catholic Bishops' Conference of England and Wales' expectations about the appointment of staff in Catholic schools.

Throughout this document the term 'Catholic school' means all Catholic schools and colleges, including schools in the trusteeship of a religious order. This includes maintained schools, academies in England, independent schools, sixth form colleges and non-maintained special schools.

Purpose of the Guidance

Its purpose is to help and guide governing bodies[1] to fulfil their responsibilities, including statutory responsibilities, to preserve and develop the Catholic character of the school in relation to the appointment of staff.

The governing bodies are the employers of the staff, to whom they should give clear guidelines about the Catholic character of education and life in their school.

As employers the governing body must ensure that the appropriate contract of employment and associated documentation, as published by the Catholic Education Service (CES), is issued. It is because the contracts reflect the bishops' requirements that the Catholic character of schools is preserved and developed that the bishops expect all schools to use CES model contracts of employment for their staff. The CES model contracts ensure, in the context of the role within the school which the employee is employed to perform, the preservation, maintenance and development of the Catholic character of the school.

Appointment of Teachers in Catholic Schools

The preservation and development of the quality and distinctive nature of Catholic schools depends upon the faith, practice and commitment of the teachers in the schools, working with their governing body. The Catholic Church understands the vocation of a teacher as a form of ministry within the Church.[2] All teachers in Catholic schools are employed to participate in the Church's teaching office, exercising this ministry in accordance with the Church's teachings. This requires teachers to be witnesses in word and deed to the Divine Teacher, Jesus Christ.[3]
To find Catholic teachers who combine personal conviction and practice of the faith with the required professional qualifications and experience, especially in specialist subjects, is always a high

[1] In Catholic voluntary aided schools, non-maintained special schools and Catholic sixth form colleges the responsibilities of the employer rest with the governing body. In Catholic voluntary academies the responsibilities of the employer rest with the board of directors of the academy trust company, and in other independent schools with the proprietor. For ease of reference the term 'governing body' is used throughout this Memorandum to denote the entity or entities within the school or academy trust company that exercises the functions of the employer under the appropriate constitutional arrangements.
[2] Gravissimum Educationis, 8
[3] Lay Catholics in Schools: Witnesses to Faith, 32

priority.

The recognition of the role that Catholic teachers play stands alongside the value we place on teachers of other Christian denominations, other faiths and other teachers who contribute to and support the Catholic ethos in our schools. We recognise the great contribution they make in helping to ensure that our pupils are equipped to communicate with and participate in contemporary society.

Governing bodies, as the employers of staff, have a duty to ensure that the Catholic character of the school is maintained and developed. The bishops expect that governing bodies will employ Catholic teachers who combine personal conviction and practice of the faith with the required professional qualifications and experience, in order to ensure this.

Appointment of Leaders in Catholic Schools

As a minimum requirement the bishops expect that the posts of headteacher or principal, deputy headteacher or deputy principal and head or coordinator of Religious Education (RE) are to be filled by practising Catholics.[4]

Whilst these posts have traditionally been used in schools, other senior leadership posts, and terminology, have come about in practice, often as a result of collaborative working arrangements between schools. Terms which are being used more frequently, and which are not defined in legislation, include: executive headteacher, associate headteacher and head of school. The principle to be applied is that this minimum requirement will apply to the most senior leadership post, i.e. the person with overall responsibility for the day-to-day management of the school, and the person who is the second most senior person in the leadership team.

The bishops also expect that certain posts that directly affect the Catholic mission of the school are to be filled by practising Catholics. This would include, for instance, the chief executive or equivalent of a multi-academy trust company. Lay chaplains also come within this description, but schools must in any case follow any specific procedures set down by their diocese before the appointment of any chaplain.

Other Leadership posts that directly affect the Catholic Mission of the school should, wherever possible, be staffed by skilled practitioners who are committed Catholics. All staff must respect and support the aims and objectives of a Catholic school.

Appointment of Leaders of Religious Education

Religious Education is the core subject in every Catholic school and informs every aspect of the curriculum.
Primary: The governing body must ensure that RE is properly organised, coordinated, taught and resourced. The governing body must ensure that the school has a coordinator of RE and that the coordinator should have at least parity in status and remuneration with those of the other core curriculum areas.

[4] For the definition of 'practising Catholic' please refer to guidance from your diocese.

Secondary: The Religious Education department in our secondary schools is of particular importance and should have at least parity of status and resourcing with any other core subject department. Governing bodies are urged to give the highest possible status to the department and to the person leading that department and this should be reflected in their status and remuneration.

Representation at Shortlisting and Interview

Interview procedures approved by governing bodies for teacher recruitment must be open to scrutiny. They must be clear, objective and transparent.
The Diocesan bishop is entitled to be represented at all proceedings relating to the appointment of senior leaders and teachers of RE.
Governing bodies must facilitate the attendance of the Diocesan director (or his or her nominee), either by affording them advisory rights or otherwise. These may be in relation to all appointments at the school or, more usually, to the appointment of the senior posts to which the requirement to be a practising Catholic are applied.

Governing bodies must give sufficient advanced notification to the Diocesan director of a vacancy for any senior post, to which the requirement to be a practising Catholic is applied, before taking any action, including appointing an acting headteacher or principal, acting deputy headteacher or deputy principal, or advertising the vacancy. It is particularly important to agree all meeting and interview dates with the Diocese in advance, to allow Diocesan officers to be involved from the beginning of the process, including drawing up job descriptions and person specifications.
Furthermore, a Diocesan representative may be invited whenever senior posts with pastoral responsibilities are being considered.

For appointments to which the requirement to be a practising Catholic is applied, the governing body will meet to draw up a shortlist of candidates, conduct interviews and make an appointment. The governing body may appoint a selection panel to undertake these functions. These appointments may need ratification by the full governing body.
In addition, the appropriate Diocesan officer must always be invited to the interview of heads of Religious Education and school chaplains.

Delegation of Power of Appointment

When the governing body delegates its power and right of appointment of staff to a committee and/or to the headteacher or principal, it is essential that the terms of reference for such delegation are made explicit.

Induction and Continuing Professional Development

The governing body should ensure an appropriate induction programme, emphasising the distinctive nature of Catholic education, is in place and that continuing professional development for all staff helps to sustain this understanding.

Archbishop Malcolm McMahon
Chairman, Department for Catholic Education and Formation
(11 September 2014)

CATHOLIC EDUCATION SERVICE GUIDANCE NOTE ON RECRUITMENT OF STAFF FOR GOVERNING BOARDS

Governing Bodies are advised that references to School / College in this Note includes Academies and references to the Governing Body includes an Academy Trust Company, a Multi Academy Trust Company and / or its Governing Body / Board of Directors / Local Governing Body as appropriate and means the employer of staff or the body responsible for recruiting staff in all cases.

This Note is intended for use by persons involved in the recruitment of staff in Catholic schools / colleges in England and Wales. It is for guidance purposes only – appropriate HR and / or legal advice should be sought where governing bodies have specific queries arising from this Note.

Diocesan Advice and the Bishops' Memorandum

Governing Bodies should seek advice from their diocese as soon as is practicable after the identification of the requirement to recruit for a Senior Leadership post and, in any case, before any recruitment procedure or process begins.

Governing Bodies should also ensure that they have read the Bishops' Memorandum on the Appointment of Staff in Catholic Schools in order to ensure that the requirements of the Memorandum are met. The Memorandum can be viewed by following the link below:

https://www.catholiceducation.org.uk/resources/bishops-memorandum-1

Keeping Children Safe in Education

Governing Boards must familiarise themselves with Part Three of the statutory guidance for schools and colleges on safeguarding children and safer recruitment which can be accessed by following the link below. The recruitment process set out in this guidance and the suite of recruitment documents provided by the CES (including the model application forms) are compliant with this statutory guidance.

Keeping children safe in education - GOV.UK (www.gov.uk)

If any queries arise as a result of advice received from advisers Governing Boards should contact their Diocese.

It is important that all those involved with the recruitment of staff in schools have received appropriate safer recruitment training, the substance of which should, as a minimum, cover the requirements of Part Three. At least one person on every interview panel should have completed safer recruitment training which should be regularly refreshed (every three years is the suggested timescale for this).

Advertising a vacancy

The Memorandum on the Appointment of Staff in Catholic Schools requires that dioceses are involved in recruitment processes. Governing Bodies must give sufficient advance notification to the Diocesan Director of a vacancy for any senior post to which the requirement to be a practising Catholic is applied

before taking any action, including appointing an acting Head Teacher or Principal, acting Deputy Head Teacher or Deputy Principal, or advertising the vacancy.

It is particularly important to agree all meeting and interview dates with the Diocese in advance, to allow Diocesan Officers to be involved from the beginning of the process, including drawing up job descriptions, person specifications and advertisements.

Shortlisting for Interview

Once application forms have been submitted and the closing date has expired, the application forms must be reviewed in order that a shortlist can be drawn up listing those people the Governing Body wish to interview.

Shortlisting will usually be performed by reference to the job description and person specification applicable to the role as well as any other relevant, pre-determined criteria set by the school / college for the purposes of recruitment.

Once a shortlist has been compiled contact should be made with the shortlisted applicants to invite them to interview. The CES provide a model Invitation to Interview Letter that may be used and can be accessed on our website by following this link:

https://www.catholiceducation.org.uk/resources/model-invitation-to-interview-letter-1

Applicants should be reminded to bring the Rehabilitation of Offenders Act 1974 – Disclosure Form with them in a sealed envelope when they attend for interview.

Governing Bodies should read the CES Guidance Note on Model Application Forms and GDPR Compliance for more information about the processing of criminal records information. A link to this guidance is provided below:

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Gathering References

Governing Bodies should consider destroying the application forms and any data provided by unsuccessful applicants, unless they have a lawful basis for retaining the information.

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. Most important are the decisions based on the Governing Body's own robust recruitment process. Common advice is therefore that the panel as a whole refer to the references towards the *end* of their decision making process. The application forms state that references may be taken up prior to interview and so contact will need to be made with the referees listed.

References should be requested for all candidates shortlisted for interview and enough time allowed between shortlisting and interviews for referees to receive the request, write the reference and return it. Safeguarding advice (Keeping Children Safe in Education) provides that references should be obtained before interview so that any issues of concern they raise can be explored further with the referee, and taken up with the applicant at interview. For further information about taking up references Governing Bodies should read the CES Guidance on Employment References which can be accessed by using the following link:

https://www.catholiceducation.org.uk/resources/ces-guidance-employment-references-faqs-1

Governing Bodies should also be familiar with Keeping Children Safe in Education and this can be accessed by following the link below. It is important that Governing Bodies are particularly familiar with the safer recruitment requirements set out in section 3 of Keeping Children Safe in Education:

https://www.gov.uk/government/publications/keeping-children-safe-in-education--2

References should always be requested directly from the referee and Governing Bodies should not rely on open references, for example in the form of 'to whom it may concern' testimonials. If an applicant for a teaching post is *not* currently employed as a teacher, Governing Bodies should check with the school, college or local authority at which they were most recently employed, to confirm details of their employment and their reasons for leaving. It is good practice for one panel member who has completed safer recruitment training to gather references, supported, if applicable, by any local authority, HR or Diocesan adviser. This allows the rest of the panel to judge the recruitment process unencumbered by external opinions. All interview panels should contain at least one **person who has undertaken safer recruitment training** and this training should be refreshed at regular intervals (every three years is the suggested timescale).

Applicants are asked to complete a Consent to Obtain References Form which should be provided with the application form and this can be used in order to demonstrate to referees that appropriate consent has been obtained.

Online Searches

Keeping Children Safe in Education provides that: " … as part of the shortlisting process schools and colleges should consider carrying out an online search as part of their due diligence on the shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the school or college might want to explore with the applicant at interview." [CES emphasis].

The 2023 update of Keeping Children Safe in Education, at paragraph 221, included a new direction that schools and colleges should inform shortlisted candidates that online searches may be carried out as part of due diligence checks.

As Keeping Children Safe in Education is statutory guidance anything recommended as good practice should be followed unless there is a very good reason not to. The CES discussed this requirement with the Department for Education as we were concerned that schools had not been provided with enough guidance as to what searches should be carried out and how. The Department for Education's view is that recruiters will need to use their professional judgement in determining what searches to carry out and what weight to put on any information uncovered.

The CES expects Governing Boards to seek advice from their advisers as to the checks that should be carried out, the appropriate methods for carrying out such checks, what information should be retained about the checks carried out and the process that should be followed. Governing Boards will need to consider whether to carry the checks out internally or employ an external provider to carry out the checks on their behalf. Having taken advice, Governing Boards may decide that it is worth engaging an external adviser in order to ensure that consistent, independent checks are made for each candidate.

Any information uncovered must be publicly available and must be considered through this lens. Records should be kept of the decisions made and the reasons for them.

Invitation to Interview

The CES model Invitation to Interview Letter makes reference to reasonable adjustments that may be made for attendance at interview in the event that the applicant has a disability. Stating this to all applicants at this stage confirms that the Recruitment Monitoring Form has not been seen by the person dealing with recruitment (as that may already disclose whether the applicant has a disability) and also ensures that reference to reasonable adjustments being made for interview does not feature in the application form itself (which contravenes good practice guidance issued by the Equality and Human Rights Commission which prefers the recruiter to have had no indication whether or not an applicant has a disability). The CES provide a model Reasonable Adjustments Statement as an enclosure to the Invitation to Interview Letter.

Interviews

The person(s) conducting the interview will need to ensure that certain information and documentation has been provided by the applicant at this stage. The information *required* to be provided at interview is identification documentation and proof of entitlement to work in the UK. An employer is under a strict legal duty to ensure that it has carried out the relevant checks with regard to entitlement to work in the UK.

Governing Bodies are referred to the Home Office guidance entitled "An employer's guide to right to work checks" which provides examples of the types of documents which will need to be provided by applicants in order to evidence their right to work (see Annex A of the guidance). Where Governing Bodies are unsure what documents are required to prove entitlement, they should seek appropriate advice.

If the information is not provided at the interview stage, or where further checks relating to a right to work in the UK are required, any offer of employment must be made conditional upon receipt of the correct documentation and/or receipt of satisfactory results from the checks required to be made.

If documentary evidence of qualifications, courses attended etc, is required to be provided at interview, the applicant should be notified in advance – good practice suggests this should be requested in the Invitation to Interview Letter (and is so requested in the CES model).

Post-Interview Selection

After the interviews have taken place, the Governing Body will need to consider all the applicants in light of their applications, personal statements, references, supplementary documents, results of checks and performance at interview as against the job description, the person specification and any other relevant national standards for the post with the aim of determining which applicants should proceed to the next stage of the recruitment process.

Making an Offer of Employment

In many cases there may be several rounds of interviews but, for the purposes of this Note, it is assumed that a selection can be made following the first interview. The Governing Body may, at this stage, make an offer of employment to the preferred applicant but it must stipulate that such offer is conditional upon receipt of a satisfactory DBS check (if appropriate to the role for which they are hiring) and a teacher services check (if appropriate to the role for which they are hiring). Where an applicant has lived or worked outside of the UK, the offer will also be conditional on satisfactory overseas checks, including, where necessary, the provision of a letter of professional standing.

The offer may also need to be expressed to be conditional upon receipt of a current employer reference once the Governing Body has the applicant's consent to make a request and/or satisfactory results of health checks (see paragraph C below).

Things that Governing Bodies need to look out for during the recruitment process

A. At the application stage, Governing Bodies should make sure that applicants have fully completed the application forms and provided all relevant documentation / information required at that stage. If not, an application may be rejected on the grounds that it has not been fully completed.

B. Members of the selection panel should make sure that they do not, as the reviewer of application forms, have sight of the completed Recruitment Monitoring Forms. The Recruitment Monitoring Form should only be used as a tool for the school / college to analyse the types of application that they receive which may assist them to comply with their public sector equality duty.

   For more information see the Equality Act 2010 guidance available from the Equality & Human Rights Commission which can be found by following this link:

   https://www.equalityhumanrights.com/equality/equality-act-2010

   Further, the Recruitment Monitoring Form should be anonymous so that the school / college can demonstrate that the information collected from applicants is being used to monitor equality and diversity and not to discriminate, inadvertently or otherwise.

C. Generally speaking, employers are not allowed to ask prospective employees questions relating to disability or health during the recruitment process. This is, however, slightly different for those in the education sector. The current legal position with regard to the asking of health-related questions of job applicants is a balancing act between two pieces of legislation; namely the Equality Act 2010 and the Education (Health Standards) (England) Regulations 2003 ("the 2003 Regulations"). Ultimately, the school should ensure that any "fitness to practice" questions they ask (which is a permissible requirement under the 2003 Regulations) comply with the restrictions in the Equality Act 2010 which do not allow disability or health related questions to be asked during the recruitment process.

   Keeping Children Safe in Education requires that as part of pre-employment checks, an employer "verify the candidate's mental and physical fitness to carry out their work responsibilities". The guidance goes on to note that "a job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role"[1].

   The current DfE ITT guidance notes that ITT providers "should not ask all-encompassing health questions but should ensure they only ask targeted and relevant health related questions which are necessary"[2]. This is also a sensible approach for managing job applications and we would suggest that it is followed by Governing Bodies.

   An offer of employment must be made conditional upon satisfactory answers which comply with the provisions of the 2003 Regulations and Keeping Children Safe in Education. Schools / colleges, will, therefore, need to decide whether it is appropriate to ask health related questions in each individual case depending on the role required to be filled and, if in doubt, should seek legal advice.

[1] Pursuant to section 60 of the Equality Act 2010.

[2] **https://www.gov.uk/government/publications/initial-teacher-training-criteria/initial-teacher-training-itt-criteria-and-supporting-advice**

Governing Bodies are reminded of their duties in respect of the public sector equality duty (the CES has provided guidance on the Public Sector Equality Duty which can be downloaded from our website: **https://www.catholiceducation.org.uk/resources/equality.** Further, any data collected as a result of health-related enquiries is likely to be 'Sensitive Personal Data'[3] within the meaning of the General Data Protection Regulation (GDPR) and must be processed in accordance with the requirements of that Regulation[4].

D. Discrimination – Schools / colleges designated with a religious character in England and Wales are permitted by law[5] to give preference to practising Catholics for certain posts (what is permissible is explained further below). In certain specific circumstances, it is possible that a temporary post may be filled by a person who is not a practising Catholic and there is no intention to deter suitable applicants from expressing their interest. Temporary appointments should only be used in limited circumstances and Governing Bodies should seek advice from their diocese where they are having difficulty recruiting a practising Catholic where that is required.

Senior Leadership posts – The 'Memorandum on the Appointment of Staff in Catholic Schools' provides that 'the posts of Headteacher or Principal, Deputy Headteacher or Deputy Principal and Head or Coordinator of Religious Education are to be filled by practising Catholics'. The Memorandum may be viewed by visiting the CES's website at:

Bishops' Memorandum on the Appointment of Staff in Catholic Schools

The application forms make it clear that all applications for senior leadership posts where there is a requirement to be a practising Catholic must include the details of a priest who can provide a reference. The purpose of this reference is to verify that the applicant is a practising Catholic.

Teacher posts – Schools / colleges are entitled to give priority to Catholic applicants. A higher degree of priority may be given to practising Catholic applicants but applications from all Catholic applicants (whether practising or not) are eligible to be given priority over applicants who are not Catholic. Where Catholic applicants do not consider themselves to be practising, they may provide a copy of their baptismal certificate or details of the date and place of their baptism rather than the details of a parish priest who can give a reference. Applicants who are not Catholics are welcome to apply and should not be discouraged.

Support Staff posts – Schools / colleges (in England only) are entitled to give priority to Catholic applicants where it can be demonstrated that attaching this requirement to a particular post is a proportionate means of achieving a legitimate aim (commonly known as a "genuine occupational requirement"). The recruitment documentation should make clear whether this requirement applies to the post. Governing Bodies should seek HR and/or legal advice before determining that there is a genuine occupational requirement. Governing Bodies should note that no priority can be given to Catholic applicants for support staff posts in Wales.

In summary, all suitably qualified Catholic applicants, regardless of the teaching post for which they are applying, are eligible to be given preference over applicants who are not Catholic. Practising Catholic applicants should nominate their Parish Priest as one of their referees. Those applicants applying for the permanent Senior Leadership posts referenced in the Memorandum must provide such details.

[3] Article 9(1) GDPR sets out the categories of sensitive personal data and *'data concerning health'* is included as a category.

[4] See footnote 1 above.

[5] Ss 60 and 124A of the School Standards and Framework Act 1998

Governing Bodies should not deter applications and expressions of interest from Catholics who do not consider themselves to be *practising*. In the event that the permanent role cannot be filled immediately for example, a Catholic who is not *practising* would be eligible to receive preference over applicants who are not Catholic in relation to a temporary appointment.

It is for each diocese to provide guidance to schools / colleges regarding the definition of "practising" Catholic either by way of its own guidance or by reference to another source which is recognised as being the definition upon which the diocese relies. A copy of any guidance or other source of information must be provided to the applicant with the Invitation to Interview Letter so that the applicant has a clear understanding of the school's expectations of a practising Catholic applicant. Applicants should then be asked at interview to confirm that they have read and understood the requirements and that they are able to comply with them.

The Notes to Applicants that supplement the CES model Application Forms set out clearly the legal basis upon which a Governing Body is required to recruit, or may exercise a preference to recruit, a practising Catholic. The Notes to Applicants can be viewed by following the link below:

https://www.catholiceducation.org.uk/resources/application-forms---notes-to-applicants-1

Rehabilitation of Offenders Act 1974 – Disclosure Form – the answers provided on this form should be kept confidential and seen only by the relevant persons in the course of their specific duties relevant to recruitment and vetting purposes. It is, therefore, for Governing Bodies to determine who sees the form. The Governing Body is under various duties relating to the access, handling, usage, retention, storage and disposal of information provided by the applicant and / or as a result of any DBS checks. The Disclosure Form should be handed to the interviewers in a sealed envelope when candidates attend for interview. The envelope should only be opened if the Governing Body has determined that they wish to make an offer of employment to the individual concerned. If a disclosure is made on the Form, relevant questions about the offence should be asked of the applicant with a view to obtaining contextual information about the offence to enable the Governing Body to determine whether the applicant should be appointed.

E. Disqualification Policy – the applicant is required to sign and return a copy of the school's / college's Disqualification Policy if they accept an offer an employment. They should submit the signed policy to the school's / college's designated safeguarding lead prior to commencement of employment or as soon as practicable thereafter. The signed policy should be kept on their personnel file. **This policy will not be relevant in all circumstances**. The CES has published guidance and a model Disqualification Policy for this purpose which can be accessed on our website by following this link:

   https://www.catholiceducation.org.uk/resources/disqualification-policy-1

F. Data Protection and Privacy – The CES Model Invitation to Interview letter requests that the applicant brings certain documents to the interview. Governing Bodies should ensure that appropriate privacy notices or consents are in place in relation to personal information collected during the interview process.[6] All application forms have been updated in line with the provisions of the GDPR and the Data Protection Act 2018.

[6] See Footnote 1 above.

Governor's checklist:

1.	Has the Recruitment Monitoring Form been removed from the application pack?	☐
2.	Has the application form been fully completed and is it accompanied by relevant supporting documents including the consent to obtain references form and any documentary evidence (if required)?	☐
3.	Have appropriate references been taken up?	☐
4.	4Has the Invitation to Interview Letter and appropriate enclosures been sent to the shortlisted applicant including: ▪ Guidance on "practising Catholic" requirement ▪ Appropriate CES model Contract of Employment ▪ Reasonable Adjustments Statement ▪ Disqualification Policy ▪ Rehabilitation of Offenders Act 1974 Form	☐ ☐ ☐ ☐ ☐
5.	Have any reasonable adjustments been made to the recruitment/interview process, if necessary?	☐
6.	At interview, has the applicant provided original evidence of: ▪ Identity ▪ Right to work in the UK (this may overlap with evidence of identity) ▪ Qualifications attained (if required)	☐ ☐ ☐
7.	At interview, has the applicant signed a copy of the Invitation to Interview Letter to confirm that they have read and understood the contents of that Letter?	☐
8.	At interview, has the applicant signed the model Applicant Declaration confirming that they have read and understood the CES contract and had any relevant questions answered?	☐
9.	At interview, has the applicant confirmed that they have read and that they understand the guidance on the requirements for Practising Catholics and that they are able to comply with the requirements (where relevant)?	☐

If a Governing Body is ready to make an offer of employment, it should check that the following documentation has been received or the offer of employment must be conditional on receipt of the appropriate documentation (where relevant):

Has the Rehabilitation of Offenders Act 1974 – been handed in at interview? Has it been kept in a sealed envelope to be seen only by the "relevant person" in the event that a job offer is going to be made?	☐
Any discussion necessary as a result of offences disclosed	☐
Satisfactory DBS checks	☐
Satisfactory Teacher Services checks	☐
Letter of professional standing (for those who have lived/worked outside the UK)	☐
Satisfactory overseas checks complete	☐
Reference from current employer (if not previously obtained)	☐
Satisfactory health checks	☐
A signed copy of the "Disqualification Policy for Staff" (if applicable)	☐
Any discussion necessary as a result of offences disclosed	☐
Any other document required but not yet provided by the applicant or a third party	☐

Note: Governing Bodies must have obtained evidence of identity and right to work in the UK before they allow a successful applicant to commence employment.

Once the Applicant has been appointed, Governing Bodies must then ensure the following:

The Single Central Record has been updated	☐
That all documents collated during the recruitment process have been securely disseminated and/or destroyed in accordance with data handling requirements	☐
That the Applicant's (now employee's) signed and dated Disqualification Policy has been filed in their personnel file (if necessary)	☐
That the Applicant (now employee) has returned, signed and dated the relevant CES contract of employment	☐
That the Applicant (now employee) has been provided with information regarding the appropriate employment policies and procedures	☐

MODEL EQUALITY ACT 2010
REASONABLE ADJUSTMENTS STATEMENT

We understand that some disabled applicants may, due to the nature of their disability, find some parts of the recruitment process challenging. We aim to ensure that all applicants are provided with the same opportunities during the recruitment process and, to that end, we strive to comply with the duties placed upon us to make reasonable adjustments as prescribed by the Equality Act 2010.

Should you have a disability and require a particular adjustment to be made to allow you to fully participate in the recruitment process, please ensure that this is made known to the person identified in the invitation to interview letter when confirming your availability to attend interview as our duty to make reasonable adjustment only applies where we know about, or ought reasonably to know about, your disability (contact details of the relevant person to contact will be provided in your invitation to interview letter).

Below is a non-exhaustive list of some of the types of adjustments that we may make to ensure that the recruitment process is fair to all applicants, if it is reasonable to do so in all the circumstances:-

- Modification to documentation – this may include providing documents in large print, in Braille format or on audio CD and/or providing oral instruction on documentation for those applicants with a learning disability;
- Modification of procedures for testing and/or assessment – this may include allowing an applicant to provide oral answers as opposed to written where the applicant has, for example, a disability which affects their manual dexterity. Conversely, an oral test may be completed in writing where the applicant has a disability which affects their speech;
- Provision of a reader for a visually impaired applicant;
- Provision of auxiliary aids – for example, a person to guide a visually impaired applicant around the interview venue;
- Provision of special equipment – for example, adapted keyboards for applicants whose disability may affect their manual dexterity and/or large screen computers for applicants with visual impairments;
- Provision of a sign language interpreter for an applicant with a hearing impairment;
- Where interviews are being conducted by telephone, provision for interview by textphone for an applicant with a hearing impairment;
- Provision of vehicle parking as proximate to the interview venue as reasonably practicable for an applicant with a mobility impairment;
- Modification of interview premises – for example, in order to ensure that an applicant who uses a wheelchair can gain access to the building where the interview is being held, the school/college may consider using ramps, holding interviews on the ground floor (if there is no adequate lift), considering the placement of furniture and rearranging if necessary etc.

BRIEFING NOTE ON THE DEFINITION OF PRACTISING CATHOLIC

FOR APPOINTMENT TO CATHOLIC LEADERSHIP POSTS IN CATHOLIC SCHOOLS AND TO THE OFFICE OF FOUNDATION DIRECTORS AND GOVERNORS

Introduction

The Diocese of Hexham and Newcastle requires that those appointed to key posts within Catholic schools and as foundation directors/governors are 'practising Catholics'. The document ***Catholic Schools and the Definition of a 'Practising Catholic' - 2009 Diocesan Education Service, Archdiocese of Birmingham*** sets out in detail what it means to be a practising Catholic for the purpose of these appointments. This document should therefore be read in conjunction with this briefing note (See **p.**19 in this document).

Catholic Leadership Posts

In the Diocese of Hexham and Newcastle it is a requirement that:

- Those appointed to the roles of CEO, Deputy CEO, Headteacher, Deputy Headteacher, Religious Education Coordinator, Head of Religious Education and School Lay Chaplains plus any other post that involves leadership of Catholic ethos, e.g. Director of Ethos are practising Catholics at the time of application;
- The guidance documentation provided by the Diocese of Hexham and Newcastle is used by foundation directors/governors when appointing to these roles;
- The Diocesan Department for Education is involved in these appointments.

The appointment of Foundation Directors and Foundation Governors

In the Diocese of Hexham and Newcastle it is requirement that:

- All foundation governors and directors are practising Catholics;
- The Diocesan Department for Education guidance and process for the appointment of foundation directors and governors are followed.

PRACTISING CATHOLIC INTERVIEW QUESTION

Required Interview Question

Applicants for Catholic senior leadership posts must be asked the following question in the final formal interview. This question must be asked by the advisor appointed by the Diocese:

Can you confirm that you are a practising Catholic and that you are able to comply with all of the essential criteria in the job description and with the requirements outlined in the ***Diocesan Briefing Note and 'Catholic Schools and the Definition of a 'Practising Catholic' - 2009 Diocesan Education Service, Archdiocese of Birmingham*** *on what constitutes a practising Catholic?*

Catholic Schools and the Definition of a 'Practising Catholic'

Rev Fr Marcus Stock STL MA
Director of Schools

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Archdiocese of Birmingham

Catholic Schools and the Definition of a 'Practising Catholic'

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Catholic Schools and the Definition of a 'Practising Catholic'

Introduction

The heart and expression of Christian life is action flowing from love; love for the One who shows us the Way to Life; love for the One who teaches us the Truth about Life; and love for the One who gives us Life in its fullness – Jesus Christ. "If you love me you will keep my commandments"[1], Jesus said to his disciples. To follow faithfully the teachings of Jesus Christ and his Church is therefore, by those who would be his disciples, an act of love.

As members of the pilgrim People of God on their journey of faith, the disciples of Jesus Christ often find themselves confronted with values and substantive life choices, promoted by the society in which they live, that are objectively incompatible with the teaching of their Lord and his Church. This can be a real test of a disciple's love in the practice of their faith.

In a society which has largely acquiesced to the "dictatorship of relativism"[2], Catholic Christians are called to adhere to Gospel values and to practise moral choices which often are "contrary to the world's behaviour"[3]. This call is particularly pertinent to those Catholics who hold positions of governance, leadership and other key posts in Catholic schools, where the values of the Gospel and the teaching of the Church should be at the heart of the integral formation of the children and young people in their care. As such, the selection of candidates for these posts is crucial.

What is the purpose of this document?

The Archdiocese of Birmingham requires that those appointed as foundation governors[4] and to certain key posts within Catholic schools are 'practising Catholics'. This document defines what a 'practising Catholic' is for the purpose of these appointments.

This document should also be read in conjunction with 'Christ at the Centre'[5], which provides a summary of why the Church provides Catholic Schools. It forms an important part of the diocesan information and guidance that all involved in the appointment process should familiarise themselves with and follow.

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[1] Gospel of John 14:15

[2] Cardinal Joseph Ratzinger (Pope Benedict XVI), Homily, Mass before the Papal Election, 18 April 2005

[3] Cf. Pope John Paul II, Homily, Camagüey, Cuba, 23 January 1998

[4] See Appendix A

[5] Fr Marcus Stock, Diocesan Schools Commission, Archdiocese of Birmingham, 2005

Why does the Church insist that being a 'practising Catholic' is a genuine occupational requirement for holding certain key posts in Catholic Schools?
In schools with a religious character, it is already recognised, acknowledged and provided for in statutory legislation[6] that certain key posts, necessary to the objectives and activities of a school's particular religious ethos, carry with them a "*genuine occupational requirement*"[7].

These key posts require that their holders not only refrain from doing anything "*which is incompatible with the precepts, or with the upholding of the tenets*"[8] of the school's religious ethos but, in the case of headteachers, that they are able and fit to "*preserve and develop*"[9] that ethos and, in the case of certain other designated posts, that they hold "*religious opinions*"[10], "*attend religious worship*"[11] and "*give, or are willing to give, religious education*"[12] in accordance with the precepts and tenets of the relevant religious faith.

The Catholic Bishops of England and Wales have collectively mandated that in Catholic schools certain substantive posts carry a requirement that they are held by 'practising Catholics'[13]. These are the posts of headteacher, deputy headteacher, and head or coordinator of Religious Education. Additionally, there are other key leadership posts which directly affect the Catholic mission of a school. These too may be required to be filled by 'practising Catholics' with the requisite professional skills.

The genuine occupational requirement attached to these posts derives not only from the objectives of the school as a Catholic institution in its fiduciary and legal religious character (the context of the employment post) but also because the performance of the activities concerned with holding these posts are strictly necessary for the school to preserve and develop its Catholic religious ethos[14] (the nature of the employment post). Consequently, those who hold these posts are required by the context and nature of their occupation to perform specific religious objectives and activities which are essentially

[6] See Appendix B, School Standards and Framework Act 1998, Section 60 as amended by Section 37 of the Education and Inspections Act 2006
[7] Employment Equality (Religion or Belief) Regulations 2003, Section 7, subsection 3
[8] See Appendix B, School Standards and Framework Act 1998, Section 60, (5), (b)
[9] Ibid., Section 60, (4)
[10] Ibid., Section 60, (5),(a), (i)
[11] Ibid., Section 60, (5),(a), (ii)
[12] Ibid., Section 60, (5),(a), (iii)
[13] See Appendix A, 'Memorandum on Appointment of Teachers to Catholic Schools', Department for Catholic Education and Formation of the Catholic Bishops Conference for England and Wales, 11 July 2003
[14] Cf. Christ at the Centre, Fr Marcus Stock, Diocesan Schools Commission, Archdiocese of Birmingham 2005, pages 10 - 15

catechetical and ministerial. They are thus vocational as well as professional in nature.[15]

For this reason, the religious objectives and activities of these posts require the post-holder to strive to model in their lives the values of the Gospel and to adhere, in the substantive life choices that they make, to the teaching of the Catholic Church. They can only be performed therefore by Catholics who practise these objective religious qualities with equally essential professional skills.

In identifying these key posts though, it should not be supposed that this thereby lessens the importance of other positions within a Catholic school. The virtues of all members of staff, non-Catholic Christians and those from other religious traditions make a valuable and treasured contribution to the quality of a school's Catholic life and ethos.

Is there a clear understanding of what the term 'practising Catholic' refers to when applied to key posts in a Catholic School?

The term 'practising Catholic' is used by a range of people and not only by those who are members of the Church. However, there are often subjective variations in the presuppositions that form the basis of the term's meaning. Even when used by those who are members of the Catholic Church, there can be discovered a wide misconception as to what, objectively, constitutes being a 'practising Catholic'. The term 'practising Catholic' can vary in meaning therefore according to the provenance of its use.

For example, in most Catholic Dioceses of England and Wales, the diocesan bishop has determined that where there is a need to prioritise applications for places in the admissions policies of schools which are oversubscribed by Catholic pupils, a person is considered a 'practising Catholic' if they have been baptised (or have been canonically received into full communion with the Catholic Church) and strive to observe the Church's precept of attending Mass on Sundays and holidays of obligation. This is perhaps the most simple and common understanding of the term.

However, as we have seen, the term 'practising Catholic' is also used by the Catholic Bishops of England and Wales collectively as a requirement for certain key leadership and teaching posts. In these circumstances, the requirement is that a person applying or appointed to one of these key posts will be a

[15] Cf. Lay Catholics in Schools: Witnesses to Faith, Sacred Congregation for Catholic Education, 1982, §37

'practising Catholic' in a way that is much more than the simple and common understanding which is used for a school's admissions policy.

Unlike a child's admission to a Catholic school, the key posts referred to carry a genuine occupational requirement that goes beyond simple membership of the Catholic Church alone or even regular attendance at Mass. Their occupation requires them to participate in a very specific religious way in the mission of the local and universal Catholic Church: they have a duty to collaborate with, and be at the service of, the bishop's mission to govern, teach and sanctify the people of God through the work of education[16]. These religious activities are made provision for in statutory legislation[17] and made explicit in the contracts of employment.[18]

Integral to the effectiveness and professionalism of the activities and objectives of these key posts is the exercise of a distinct ministry and vocation in the Church. This demands a fidelity to Christ and the teachings of the Catholic Church which is no less than the commitment required of other ministries within the Church. Like any vocation to a specific ecclesial ministry, there are two distinct elements; namely, the personal call that the individual discerns within themselves and the confirmation of that call and suitability by the competent ecclesiastical authority within the Church. Therefore, a person's desire to be appointed to a key post in a Catholic school will also be balanced by the Church's assessment of their ability to model an authentic Catholic life of faith.

As collaborators with the bishop in the ministry of education, the holders of these key posts are expected to model lives of personal holiness and professional integrity[19] which are worthy of their high calling and position of religious trust within the Church. The religious nature of these posts is the reason for the occupational requirement which demands that they are performed by Catholics who have committed themselves to the integration of their professional excellence with a clear sense of vocation and ministry. Above all others then, these posts must be substantively held and maintained by 'practising Catholics'.

[16] Cf. The Catholic School, Sacred Congregation for Catholic Education, 1977, §71
[17] See Appendix B, School Standards and Framework Act 1998, Section 60
[18] Catholic Education Service Contracts of Employment (Leadership Contracts), Section 4.4
[19] Cf. Lay Catholics in Schools: Witnesses to Faith, §32, Congregation for Catholic Education, 1982

What then is the objective definition of a 'practising Catholic' for appointments to the office of foundation governor and to key posts in Catholic Schools?
To objectively define what a 'practising Catholic' is when assessing applicants for foundation governor or key leadership posts within a Catholic school, it is necessary to understand that there are general obligations as well as essential components that constitute 'practice' of the faith in the teaching of the Catholic Church.

The Church's general obligations for its members require that they strive to live lives of holiness[20] by being faithful to the teaching of the Gospel[21], by trying to uphold the values[22] proclaimed in the Beatitudes[23], by assisting in the Church's mission to make Christ known to all peoples[24], by upholding privately and publicly the Church's moral[25] and social[26] teaching, by endeavouring to follow an informed conscience[27] and by making every effort to keep the precepts[28] of the Church. This is the 'practice' of the Catholic faith in its widest and all encompassing sense.

At the heart of these general obligations though, there are essential components for "*full communion*"[29] with the Catholic Church. These are sacramental initiation (Baptism[30], Confirmation and the Eucharist) and the bonds of profession of faith, the sacraments and ecclesiastical governance. The preservation of this full communion is not limited to purely religious activity but is to be an integral part of the whole pattern of behaviour of a member of the Church[31]. It is what essentially constitutes being a committed and 'practising Catholic'.

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[20] Code of Canon Law, Can.210
[21] Code of Canon Law, Can.217
[22] Christ at the Centre, Section A5, Page 8, Diocesan Schools Commission, Archdiocese of Birmingham, 2005
[23] Catechism of the Catholic Church, n.1725 - 1729
[24] Catechism of the Catholic Church, n.871 – 873; Code of Canon Law, Can.211
[25] Code of Canon Law, Can.225 §2 and Can.227
[26] Code of Canon Law, Can.222 §2
[27] Catechism of the Catholic Church, n.1783 - 1785
[28] These are: attendance at Mass on Sundays and Holy Days of Obligation; reception of the Sacrament of Reconciliation at least once a year; reception of Holy Communion at least once a year during the Easter season; observing faithfully the prescribed days of fasting and abstinence; providing for the material needs of the Church, each according to their ability. Cf. Catechism of the Catholic Church, n.2041 - 2043
[29] Code of Canon Law, Can.205
[30] For someone validly baptised in a non-Catholic Church or ecclesial communion, this would require their subsequent Canonical Reception into the Catholic Church. Baptism, Confirmation and Canonical Reception can all be objectively verified through the production of a relevant certificate issued by the ecclesiastical authority where the sacraments or reception were conferred. Although, there is no canonical requirement for a register of First Holy Communion to be produced, parish priests can usually provide a reference of regular attendance at Mass for someone claiming to be a practising Catholic.
[31] Code of Canon Law, Can.209 §1

Therefore, for appointment to the office of foundation governor or to key posts in a Catholic school, a 'practising Catholic' is to be defined as someone who has been sacramentally initiated into the Catholic Church and who adheres to those substantive life choices which do not impair them from receiving the sacraments of the Church and which will not be in any way detrimental or prejudicial to the religious ethos and character of the school. Inspired by the Gospel and sustained by God's grace, a 'practising Catholic' will give sincere external expression to their interior faith through specific religious, moral and ethical behaviour which is in accordance with the teaching of Christ and the Catholic Church.

Does this mean that a 'practising Catholic' has to be 'perfect'?
The process for appointment to the office of foundation governor or for key posts in a Catholic school is not, nor should it ever be used as, an appraisal of an applicant's spiritual and moral successes or failures. Assessment of a person's suitability cannot be a subjective judgement about their 'goodness' or 'holiness'. In terms of the Church's general obligations, almost all Catholics fail to live their faith fully and do not give an authentic witness to their beliefs in all aspects or at all moments of their lives. A 'practising Catholic' therefore, no matter how strong their faith in Christ or firm in their commitment to the Church and its teaching, will almost certainly not be a 'perfect' Catholic.

Rather, assessment of a person's suitability must be objectively based on the requirement for the office or post to be held by a 'practising Catholic' as defined in the section above. The only evidence to be taken into consideration in that assessment is of the substantive life choices that they are known to have made and adhere to, both in the personal and public forum; and whether those choices are compatible with the teaching of the Catholic Church.

The Church clearly lays out the 'way of life' for the faithful in the substantive choices that they make in life:

> "*Incorporated into Christ by Baptism, Christians are 'dead to sin and alive to God in Christ Jesus' and so participate in the life of the Risen Lord. Following Christ and united with him, Christians can strive to be 'imitators of God as beloved children, and walk in love' by conforming their thoughts, words and actions to the 'mind …which is yours in Christ Jesus, and by following his example.*

Healing the wounds of sin, the Holy Spirit renews us interiorly through a spiritual transformation. He enlightens and strengthens us to live as 'children of light' through 'all that is good and right and true.' The way of Christ 'leads to life'; a contrary way 'leads to destruction'.
The Gospel parable of the two ways remains ever present in the catechesis of the Church; it shows the importance of moral decisions for our salvation: There are two ways, the one of life, the other of death; but between the two, there is a great difference."[32]

Consequently, it is clear that a 'practising Catholic' will be someone who, despite weaknesses and personal sinfulness, decides to make only those substantive life choices which follow the "*Way, the Truth and the Life*"[33]. This way of life is not vague or unknown but is manifest fully and most clearly in the person of Jesus Christ and unfolded in the teachings of His Church.

There are substantive life choices which are incompatible with the teaching of the Church and objectively impair[34] our communion with the Church for as long as we adhere to them; they are objectively grave in nature and are objectively incompatible with God's law.[35]

[32] Cf. Catechism of the Catholic Church, n.1694 - 1696

[33] Cf. Gospel of St John 14:6

[34] Impaired communion within the Church is not to be confused with 'excommunication'. The former results from committing a gravely sinful act or an act that is incompatible with the teaching of the Church but it does not completely separate someone from the life of the Church or from sharing in it in real but limited ways; the latter is the most serious censure or penalty which the Catholic Church imposes on her members and has canonical consequences beyond deprivation of the sacraments and separates them completely from communion with the Church, until the excommunication is lifted.

[35] Cf. Catechism of the Catholic Church, n.1849 - 1860

What are examples of substantive life choices which are incompatible with the teaching of the Catholic Church?

Clearly, it would be hoped that any individual governor or member of staff in a Catholic school would be sensitive to the very important role that they play in the life and mission of the Church and in the life of faith of the children that their school serves. All those who work in a Catholic school therefore, are required to conduct themselves in a way which does not conflict with the "*precept*" and "*tenets*"[36] of the Catholic Church and are bound by their contractual obligations "*not to do anything in any way detrimental or prejudicial to the interest*" of the Catholic character of the school[37].

There are actions and behaviours which would be considered not only incompatible with the teaching of the Catholic Church specifically but also incompatible with the professional life and career of any employee within any school[38]. Some examples of these would be:

- serious dishonesty or fraudulent activity;
- being unfit for duty due to alcohol or drug related abuse;
- inappropriate use of school property;
- gross negligence in the performance of professional duties;
- violent or inappropriate behaviour;
- any action which endangers the welfare or safety of pupils;
- any action which would bring the school into disrepute, etc.

There are also substantive life choices which are incompatible with the teaching of the Catholic Church and which may be detrimental or prejudicial to the religious ethos and character of a Catholic school. Some examples of these would be:

- formal apostasy from the Catholic Church[39];
- maintaining membership of, or giving direct support to, any organisation whose fundamental aims and objects are contrary to Gospel values and the teaching of the Catholic Church;

[36] See Appendix B, School Standards and Framework Act 1998, Section 60, (5), (b)

[37] Catholic Education Service Contracts of Employment, Section 4.3

[38] Such conduct may well be in breach of an employee's Contract of Employment and/or amount to actions which could be the subject of disciplinary action. Such behaviour may also be in breach of the GTC Code of Conduct.

[39] Code of Canon Law, Can.1364

- maintaining the publication or distribution, or by any other means of social communication or technology, of material content which is contrary to Gospel values and the teaching of the Catholic Church;
- a Catholic contracting a marriage in a non-Catholic church, registry office or any other place without dispensation from canonical form[40]; or contracting a marriage where one or both of the parties have been previously married (and whose former spouse[s] is[are] living) without the former marriage(s) being annulled or declared invalid by the Church;
- maintaining a partnership of intimacy with another person, outside of a form of marriage approved by the Church and which would, at least in the public forum, carry the presumption from their public behaviour of this being a non-chaste relationship; and, where such a presumption in the public forum is not repudiated by the parties within the relationship.

What if a Catholic who has made a substantive life choice which is incompatible with the values of the Gospel and the teaching of the Catholic Church, applies for the office of foundation governor or a key post in a school?

Catholics, whose choices have resulted in them being unable to receive the sacraments but who otherwise may have been a potential applicant for one of these key posts will, on occasion, sincerely present themselves for consideration. In these circumstances, there is sometimes much pressure on clergy and governors to overlook these particular substantive life choices. This may spring from a genuine charitable and pastoral concern not to offend or hurt the individuals involved, or because it is considered that their professional skills and abilities in respect of governance or leadership are needed in the school and override all other considerations.

In these situations, clergy and governors should work in partnership with, and follow the advice from, the appropriate officers at the Diocesan Schools Commission and the Diocesan Department of Religious Education. For the good of the school and of the wider Church, the requirement stated here must be upheld in terms of appointing only 'practising Catholics', as defined in this document, to the office of foundation governor and to the key posts within Catholic Schools.

[40] Code of Canon Law, Can.1059

With regard to this, clergy have a clear leadership role and a particular pastoral duty towards those individuals who are unable to be appointed to those positions, by explaining, with the greatest possible care and sensitivity, the Church's requirements and the reasons for these requirements while also encouraging them to maintain their life of prayer and faith within the Church.

What if a Catholic, appointed as a foundation governor or to a key post in a Catholic school, subsequently makes a substantive life choice which is incompatible with the values of the Gospel and the teaching of the Catholic Church?

As already stated, even the most committed Catholic frequently fails in the full expression of the practice of their faith through personal weakness and sinfulness on various occasions and at particular moments.

These failures in the practice of the faith are, however, distinct from adhering to and maintaining substantive life choices which are incompatible with the teaching of the Catholic Church and which prevent them from receiving the sacraments. These choices can give scandal potentially both to the Christian and wider community and bring the religious ethos and character of the school into disrepute.

If for any reason a foundation governor of a Catholic school seriously contravenes the declaration that they signed as a condition of their appointment, they can be removed from office[41] by the diocesan bishop or his delegate.

Similarly, all those appointed to key posts within a Catholic school are expected to read and sign the relevant Catholic Education Service Contract. These contracts state that they are:

> "…*expected to be conscientious and loyal to the aims and objectives of the School, having regard at all times to the Catholic character of the School, and not to do anything detrimental or prejudicial to the interest of the same*."[42]

Reflecting this contractual obligation, the Catholic Education Service's 'Model Disciplinary Procedure' defines a principal example of misconduct in a Catholic school as:

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[41] School Governance (Constitution) (England) Regulations 2003, 23(1)

[42] Catholic Education Service Contracts of Employment, Section 4.3

"*Conduct on the part of a teacher or worker which is incompatible with the precepts, or with the upholding of the tenets, of the Catholic Church*."[43]

Therefore, if someone who has been appointed a foundation governor or appointed to key post in a Catholic school subsequently makes a substantive life choice which is incompatible with the teaching of the Catholic Church, then their ability to govern or to lead and model Catholic life and faith with ecclesial integrity may cease to exist. In such circumstances, an investigation by those responsible for preserving the Catholic ethos of the school will need to be undertaken and, in some circumstances, this may necessitate a foundation governor being removed from office or disciplinary action being taken against someone appointed to a key post, in accordance with the school's formally adopted disciplinary policy.

Any action that diocesan authorities or governing bodies may be required to take within the appropriate procedural and legal parameters should though, be measured, sensitive and exercised with charity and compassion. Working with professional associations and the school's maintaining local authority; every effort should be made to manage, with dignity and respect, the impact of any action that needs to be taken upon the individuals concerned, their families and the Catholic school community.

Conclusion

"*If you love me you will keep my commandments*"[44]

Acting out of love as disciples of Jesus Christ, Catholic Christians are called to model in the substantive life choices they make, the Way, the Truth and the Life of the One who, out of love, laid down his life for them. This love in action is what the 'practice' of the Catholic faith ultimately means. It cannot be reduced to an outward legal conformity to rules or laws but is a response of love to the God who is Love.

Similarly, no ministry or vocation in the Catholic Church can be reduced to the mechanical performance of a set of duties or skills, no matter how excellently or professionally they might appear to be carried out. Without them being lived authentically, in private and public life, they would be insincere.

[43] Catholic Education Service, Model Disciplinary Procedure (All Workers at the School) For Schools with Delegated Budgets (2004)

[44] Gospel of St John 14:15

In Catholic schools, foundation governors and the holders of certain key posts which carry with them an occupational requirement to be a 'practising Catholic', are responsible in law and required by the Church to be able and fit to "*preserve and develop the religious character of the school*"[45] and "*not to do anything in any way detrimental or prejudicial to the interest of the same*"[46].

Consequently, they must, by the very nature and context of their objectives and activities, be substantively held and maintained by 'practising Catholics'. They carry an obligation of office and an occupational requirement which cannot be fulfilled by someone who does not adhere in their substantive life choices to the teachings of the Catholic Church, or by anyone who does not share the Catholic faith.

[45] See Appendix B, School Standards and Framework Act 1998, Section 60, (4); School Governance (Constitution) (England) Regulations 2003, 8 (1) (b)

[46] Catholic Education Service Contracts of Employment, Section 4.3

APPENDIX A

Requirements of the Catholic Church for appointments to the office of foundation governor and key leadership posts in Catholic schools

For the appointment of a foundation governor, a candidate for this office in a school operating under the Trust Deed of the Archdiocese of Birmingham is required to sign a declaration that:

> "*I am a practising Catholic in full communion with the See of Rome, and I am not the subject of any canonical censure or penalty; my appointment places a statutory duty upon me to ensure that the religious character of the school is preserved and developed*[47] *and that the school is conducted in accordance with the provisions of the Archdiocesan Trust Deed*[48]*; my appointment requires me to comply with the provisions of Canon Law, the teachings of the Catholic Church and such determinations made by the Archbishop and his Trustees and their agent, the Diocesan Schools Commission, in respect of the school or other schools situated in the Archdiocese*."[49]

With regard to the Church's requirements for appointments to key leadership posts, the 'Memorandum on Appointment of Teachers to Catholic Schools'[50], states:

> "*The posts of Headteacher, Deputy Headteacher and Head or Coordinator of Religious Education are to be filled by baptised and practising Catholics. Other Leadership posts that affect directly the Catholic Mission of the school should, wherever possible, be staffed by skilled practitioners who are committed Catholics. All teachers must respect and support the aims and objectives of a Catholic school*."[51]

The purpose of the 'Memorandum' is:

> "*…to help and guide Governors to fulfil their statutory responsibilities to preserve and develop the Catholic character of the school in relation to the appointment of teachers. Governors of Catholic Voluntary Aided and Independent schools are the employers of the teachers, to whom they*

[47] School Governance (Constitution) (England) Regulations 2003, 8 (1) (a)
[48] Ibid., 8 (1) (b)
[49] Foundation Governor Application Form, Diocesan Schools Commission, Archdiocese of Birmingham
[50] Department for Catholic Education and Formation of the Catholic Bishops Conference for England and Wales, 11 July 2003
[51] Ibid., Section entitled 'Selecting Leaders for Catholic Schools'

should give clear guidelines about the Catholic character of education and life in their school. As employers the Governing Body must issue the appropriate contract of employment and associated documentation as published by the Catholic Education Service."[52]

The expectations set out in the 'Memorandum' are based on the pertinent Canons in the 'Code of Canon Law of the Catholic Church':

"*The formation and education in the Catholic religion provided in any school, and through various means of social communication is subject to the authority of the Church. It is for the Episcopal Conference to issue general norms concerning this field of activity and for the Diocesan Bishop to regulate and watch over it. The local Ordinary is to be careful that those who are appointed as teachers of religion in schools, even non-Catholic ones, are outstanding in true doctrine, in the witness of their Christian life, and in their teaching ability*. "[53]

In addition, the 'Memorandum' states that the appropriate contracts of employment and the associated documentation published by the Catholic Education Service must be used by Catholic schools to preserve and uphold their Catholic ethos. The contracts used for specific key posts state:

"*You are required to develop and maintain the Catholic character of the School. You are to have regard to the Catholic character of the School and not to do anything in any way detrimental or prejudicial to the interest of the same*."[54]

[52] Department for Catholic Education and Formation of the Catholic Bishops Conference for England and Wales, 11 July 2003, Section entitled 'Purpose of the Guidance'

[53] Code of Canon Law, Can.804

[54] Catholic Education Service Contracts of Employment, Section 4.3

APPENDIX B

Statutory provision for schools with a religious character to maintain their relevant religious ethos

Statutory legislation in England and Wales makes provision for schools with a religious character to maintain their relevant religious ethos. Section 60 of the School Standards and Framework Act 1998 makes the following provision:

> "*(4) In connection with the appointment of a person to be head teacher of the school (whether foundation or voluntary controlled) regard may be had to that person's ability and fitness to preserve and develop the religious character of the school.*
>
> *(5) If the school is a voluntary aided school -*
>
> *(a) preference may be given, in connection with the appointment, remuneration or promotion of teachers at the school, to persons -*
>
> *(i) whose religious opinions are in accordance with the tenets of the religion or religious denomination specified in relation to the school under section 69(4), or*
>
> *(ii) who attend religious worship in accordance with those tenets, or*
>
> *(iii) who give, or are willing to give, religious education at the school in accordance with those tenets; and*
>
> *(b) regard may be had, in connection with the termination of the employment of any teacher at the school, to any conduct on his part which is incompatible with the precepts, or with the upholding of the tenets, of the religion or religious denomination so specified.*"

Section 37(2)(b) of the Education and Inspections Act 2006 extended these provisions in voluntary aided schools with a religious character in England (not Wales) to the appointment of non-teaching staff, to have regard to a person's faith where there is a 'genuine occupational requirement'[55]. An example of such a non-teaching post in a Catholic School is the appointment of a Lay Chaplain.

[55] Governing bodies, as the employers, must comply with the Employment Equality (Religion or Belief) Regulations 2003 which prevent discrimination on religious grounds, except in a case where being of a particular religion or religious denomination is a genuine occupational requirement. Schools considering whether a particular post has a genuine occupational requirement for a person to be of a particular religion or belief must follow both the regulations and the guidance.

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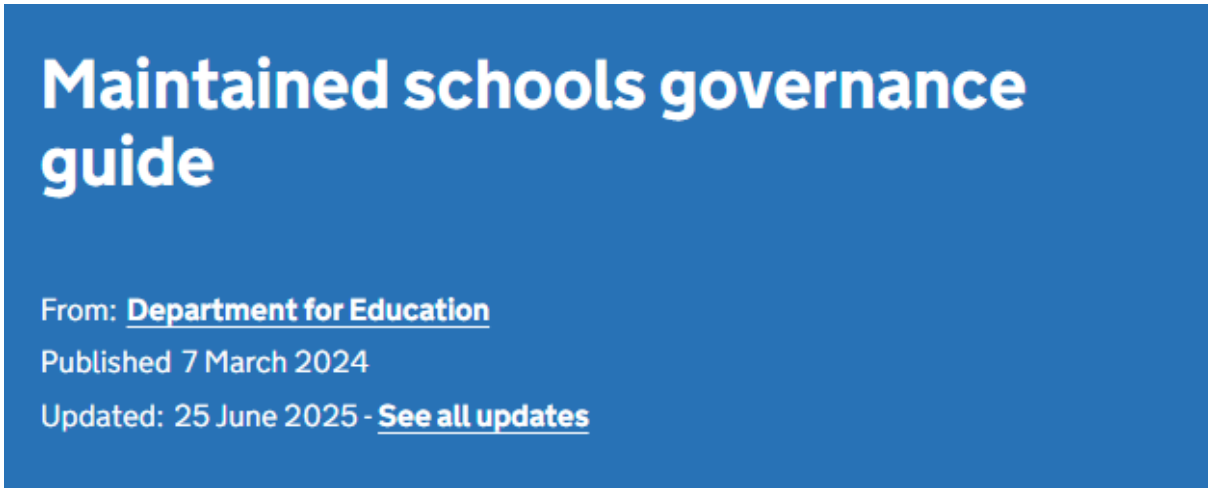

Please click on the following link and read section 7. Compliance

https://www.gov.uk/guidance/governance-in-maintained-schools