

# EQUALITY ACT 2010

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 16: General and Miscellaneous**

#### *Schedule 22: Statutory provisions*

#### **Educational appointments, etc: religious belief: paragraphs 3 and 4**

##### Effect

980. [Paragraph 3](#) provides an exception from the provisions on sex or religious discrimination for certain posts in schools or institutions of further or higher education where their governing instrument requires the head teacher or principal to be of a particular religious order, or that a particular academic position must be held by a woman, or where the legislation or instrument which establishes a professorship requires the holder to be an ordained priest. In the case of academic positions reserved to women, the exception only applies where the governing instrument was made before 16 January 1990.
981. There is an order-making power conferred on a Minister of the Crown to withdraw the exception either in relation to a particular institution or a class of institutions.
982. [Paragraph 4](#) provides that it is not unlawful discrimination for schools which have a religious character or ethos (often referred to as faith schools) to do certain things which are permitted by the School Standards and Framework Act 1998. This includes:
- allowing teachers who have been appointed to give religious education to be dismissed if they fail to give it competently;
  - allowing a faith school to take account of religious considerations when appointing a head teacher; and
  - allowing a voluntary aided school or an independent school to take account of religious considerations in employment matters.