

Religious discrimination legislation for faith- based organisations

a guide for faith-based organisations to explore religious
discrimination legislation and organisational ethos

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foreword

introduction

The primary purpose of this pack is to help your organisation understand and apply the religious discrimination legislation of 2 December 2003. This is important because it makes discrimination on the grounds of religion and belief illegal.

However, when a religious organisation advertises for a person of faith or chooses to employ such a person because he/she has a particular faith, this is exactly what the employer is doing – discriminating on the grounds of religion.

The legislation does provide some flexibility to allow religious organisations to maintain their faith basis. In other words, discrimination is acceptable within the law, but only where this can be justified.

Justifying that a post needs a person of a certain faith to carry it out requires the employer to demonstrate that there is a “genuine occupational requirement”, referred to as a GOR, for the post-holder to be of that faith and that the requirement relates to the religious ethos of the organisation.

In other words, although faith-based organisations can advertise for, recruit and employ people of a particular faith this is only lawful if the employer can demonstrate in each case the specific reason and relate it to their organisational ethos.

In addition we hope that the process set out in these guidelines will provide added value by helping you both to clarify and promote your religious distinctiveness.

As you reflect on how your particular faith basis makes you as an organisation distinctive, you will begin to describe the organisation's religious ethos. Becoming more specific about your ethos and values provides you with an opportunity to consider how they relate to your organisational practices and procedures.

Ensuring that your practices match your ethos – that you are who you say you are - will not only strengthen your organisational identity but will also help you to have more authenticity as a faith-based organisation - an essential characteristic in this increasingly diverse world.

Finally, please note that the purpose of this pack is not to advocate which staff, how many staff or that all staff should hold your religious beliefs. Our purpose is simply to explain the legislation and to help organisations employ people of a particular faith, within the law, in situations where it has been identified that there is a genuine need for them.

legislation

The summary

The overall purpose of the legislation is to protect all employees from being discriminated against at work because of their religion or belief.

The introduction of regulations for religion or belief makes religious discrimination unlawful for the first time in the UK*.

The regulations apply to employment – including recruitment, terms and conditions, promotions, transfers, dismissals and training.

For all employers this means that the regulations make it unlawful on the grounds of religion or belief to:

- Discriminate directly against anyone – that is to treat them less favourably than others because of their religion or belief
- Discriminate indirectly against anyone – that is to apply a criterion, provision or practice which disadvantages people of a particular religion or belief without a good reason
- Subject someone to harassment on the grounds of their religion or belief
- Victimise someone because they have made a complaint or allegation or have given evidence against someone else in relation to a complaint of discrimination
- Discriminate against someone after the working relationship has ended

As stated previously, there is an exception within the legislation for religious employers to discriminate fairly in order to maintain the faith basis of their organisation. The exception states that discrimination on grounds of religion or belief is only lawful if it can be demonstrated that there is a “genuine occupational requirement” (GOR) for it, which relates to the nature of the employment, to the context in which it is carried out, and to the ethos of the organisation.

*with the exception of Northern Ireland

Summary of implications for religious organisations

The law allows religious organisations therefore to recruit people of their particular faith when the following criteria are fulfilled:

- The organisation has a religious ethos
- There is a “genuine occupational requirement” (GOR) for the post to be filled by a person of a particular faith
- The GOR relates to the nature of the employment, to the context in which it is carried out and to the religious ethos of the organisation

justifying posts for believers of a particular faith

Identifying which posts need people of a particular faith and why

The law says that if an employer wishes to advertise for, select, employ or promote someone of a particular faith the employer needs to be able to justify the reason.

This means that the employer must be able to determine the “genuine occupational requirement” (GOR) for any post to be filled by a person of that particular faith.

The following guidance is designed to help you to identify the GORs in your organisation. There is no case law in this area yet, so there are no proven reference points.

ACAS, (Advisory, Conciliation and Advisory Services) have produced official guidance to help employers put the legislation into practice in the workplace. This can be found on www.acas.org.uk. Their guidance, an extract of which is provided below, specifies characteristics of a GOR but it does not tell you what is acceptable as a GOR in a religious organisation and what is not. There is no official guidance on what constitutes a GOR in a religious organisation.

At the end of this section we have provided examples of functions which could give rise to GORs in a faith-based organisation. These must be considered ONLY as a guide. They are NOT provided as standard GORs for religious organisations. There is no official definition of GORs in religious organisations and our examples cannot be treated as such. They are simply guides from which you can work to establish your own.

Identifying a Genuine Occupational Requirement

The starting point is to describe the whole job, not just the tasks of the job which only a person of a particular faith can do. We recommend that you do this by using the template in Appendix 1. This document guides you to describe the job you want doing and then to identify the criteria – the skills/knowledge and experience – you are looking for in the person. To ensure that you get the right person you will need to do this exercise before you start your recruitment process.

Next identify those tasks of the job which require someone of a particular faith to do them.

When writing up the genuine occupational requirement in the job description and person specification (see template in Appendix 1) it is essential that:

- A central function of the job must reflect the GOR
- There are clear links between the religious purpose and ethos of the organisation, described in the organisation context section, and the job as stated in this description
- The GOR is clearly featured in the list of the main tasks in the job description
- The knowledge/skills/experience required to carry out the GOR and so reflect the ethos are clearly stated in the person specification

justifying posts for believers

In determining the GOR for any job it may be helpful to be aware of the following guide notes from ACAS:

- The employer must be able to show that having a specific religion or belief is a central requirement of the job and not just one of many relevant factors
- When considering applying such a requirement, the employer must look at each post individually both in terms of the duties of the job and the context in which it is carried out
- Employers should not expect to apply a blanket occupational requirement to all its posts
- Employers should consider whether there are alternatives to applying an occupational requirement. For instance, if only a small part of the job needs someone from that religion then it may be possible to redistribute work or re organise roles in such a way as to avoid applying a religious requirement to a particular post
- Employers should be clear about the link between the requirements of the job and the need to maintain the organisation's ethos
- Employers can reasonably expect their staff to keep to the organisational values and culture and should bear in mind that people may be able to maintain those values and culture without actually belonging to the particular religion or belief
- Employers should be clear about the link between the requirements of the job and the need to maintain the organisation's ethos as, in the event of an Employment Tribunal claim on the grounds of religion or belief, the burden of proof will be on the employer to show the GOR

ACAS guidelines are available on www.acas.org.uk

In summary a GOR is

- Central to the job
- Reflected in the duties of the job or the context in which it is carried out
- Linked to the personal requirements for the job
- Related to the ethos of the organisation
- Individual to each job – cannot be applied as a blanket exception
- Generally, more than a small part of the job

justifying posts for believers

Examples of Genuine Occupational Requirements in religious organisations

The following are examples of job functions which may give rise to GORs for posts to be filled by people from a particular faith. The purpose of this list is to help you think through which posts in your organisation carry GORs. No two jobs are the same but as a general principle remember that to be a GOR a job function must always help the organisation achieve its religious mission and purpose and to be religious in its ethos.

Please note that this is not a comprehensive list, nor is it, because there is no case law in this area yet, a tried and tested list. The validity of any GOR depends entirely on the extent to which you can demonstrate, through the clarity of your religious purpose and expression of your ethos, the genuine requirement for the post to be held by a person of a particular faith.

- Leading the religious purpose of the organisation, setting the vision and strategy, understanding and articulating the religious beliefs of the organisation
- Leading the development of or delivering the main religious activity/ies of the organisation
- Representing the religious purpose of the organisation, speaking, preaching, advocating on behalf of the organisation
- Being the face-to-face contact with the public, delivering the religious purpose of the organisation to those whom the organisation serves
- Being the “voice” of the organisation, representing the organisation to enquirers, being the point of contact about the organisation
- Being responsible inside the organisation for representing, promoting, maintaining and ensuring the transference of the religious ethos of the organisation
- Leading or supporting the spiritual life of the organisation, conducting acts of worship, prayer times, retreats, responsible for spiritual development

equal opportunities issues

Equal opportunities issues for religious employers

- With the introduction of the new equality and diversity legislation, religious discrimination, whilst unlawful for most employers, is lawful for religious employers though only where they can justify the genuine requirement for it
- Therefore, as religious employers, while we subscribe to equal opportunities, we cannot say in our equal opportunities policy that we do not discriminate on any grounds. That's because we do discriminate, where appropriate and within the law, on the grounds of religion
- We therefore need to make a statement in our Equal Opportunities policy that, in the light of our religious ethos and purpose, we reserve the right to recruit people of a particular faith where there is a genuine occupational requirement (GOR) to do so
- It would then be helpful to indicate which posts this applies to, either by attaching a list or referring to one held elsewhere, although it will be essential that this is kept under review

There is a sample Equal Opportunities policy in appendix 2.

Religious ethos

Identifying your religious ethos

- The new legislation says that the GOR for any job should relate to the ethos of the organisation
- Identifying your organisational ethos is vital because it will be impossible to claim a GOR unless you can demonstrate that your organisation has a religious ethos
- If the need for a person of a particular faith in a certain post has nothing to do with the organisation itself being religious, then the need for a person of that faith cannot be valid
- In other words, the law says that if the organisation does not practice a religious ethos, then the need for a person of a particular faith in any post cannot exist
- Clarifying the distinctive ethos helps to make sure that **what** you do in the community as believers of a particular religion is rooted in **who** you are as believers of that religion
- Ethos can be defined as the spirit or shared motivation of a people or an organisation. It's why people do what they do. In other words, the unique flavour or essence of an organisation – what makes it tick. It is its distinctiveness that makes it different from another organisation and gives it its identity. It is the environment within which the organisation's mission and activity are formed and delivered

The key principle is this - who I am speaks more loudly than what I say. In fact, who I am speaks so loudly that if it is not in harmony with what I say my words will be ignored, misunderstood, distorted or even obliterated. Authentic and distinctive faith is about connecting our *being* with our *doing*.

So we need to think about who we are, what our ethos and values are as a religious organisation, before we set about doing what we want to do. If we don't spend time thinking about the identity of our organisation there is a danger that we will build it into something which does not reflect the religious motivation which has got us this far.

Steps to help you identify and work with your religious ethos

- **Set up a small group**
Hearing the reasons why others are involved and ensuring that their views have been considered may help in creating an ethos statement, which everyone will accept and commit to.
- **Research**
Describing the ethos is more than describing the purpose; it's about articulating the unique characteristics of the organisation, what makes it distinctive and different to other organisations. Ethos therefore is more about what the values are and what your organisation stands for than what it does.

Having said that ethos is not about purpose, nevertheless, a good starting point for this process is to refer back to the mission or purpose statements of your organisation. These may be documents like your Constitution, the Memorandum and Articles, Trust Deed - depending on how your organisation is set up. Other documents might be the organisation's mission/vision statement and basis of faith. Despite the fact that these documents are about aims and objectives, they do carry, either implicitly or explicitly, indications about what your organisation values and stands for.

- **Survey staff**
Another technique at this stage is to ask people what motivates them to work with the organisation. This process might be easier to explain and manage in a smaller, rather than larger, organisation. Hearing the reasons why people have chosen to work with your organisation in preference to another can be a useful reminder about its genuinely distinctive and unique characteristics.
- **Draft an ethos statement**
In Appendix 3 there is a sample statement. If you want to use this as a model, take care to ensure that you reflect on the unique characteristics of your organisation. Statements typically include sentences which describe:
 - Shared motivation - why people are working with your organisation
 - The value base - what your organisation stands for
 - Internal practice - how the motivation and religious value base are practised internally – the way people are treated and treat each other
 - External expression - how the motivation and religious value base are expressed externally – the way people are served by the organisation

religious ethos

- **Determine organisational values**

The next thing to do is to think about how to ensure that this statement of ethos happens in practice on a day-to-day basis. It is one thing to say these things about ourselves as an organisation; it is another altogether to live by them. This is the point about being authentic. Remember who we are speaks more loudly than what we say or do. One way to start working on this is to develop a list of values that reflect the statement of ethos. In Appendix 4 there are some values, which might be helpful for you to consider as you work out what your values are. Again, these are model statements and are provided here only as a guide.

- **Impact organisational practice**

The final thing to do is to see how these values relate to your organisational practices and procedures - the way your organisation actually operates.

ethos and practice

Applying your organisational ethos to your organisational practice

Stating your ethos and values is a big step towards being clearer about your religious identity. The next step is to ensure that who you say you are as people of a certain faith (your distinctive identity – what you stand for and what you value) is reflected in how you behave in your organisation. This is about relating your ethos and values to your organisational practices. A perfectly crafted ethos and values statement is worth only the paper it is written on if it is not applied in reality. Indeed, if you use your ethos as the reason for a genuine occupational requirement, and then it is discovered that your ethos statement does not actually reflect reality, your defence for your GOR would probably not be valid.

To consider how ethos and values relate to the everyday life of your organisation and ensure that a religious agency is distinctive because of its particular basis of faith, this next section looks at 5 different areas of organisational practice. Apart from the last area, they constitute the organisational framework used by the Chartered Institute of Personnel and Development.

The practices suggested below reflect the values expressed in the ethos and values statements on pages 25 – 27. They particularly refer to the significance of relationships and how they determine who you are as an organisation and influence how you deliver your mission.

Recruitment

The focus here needs to be on ensuring the continuity of your organisation's ethos through recruitment, selection and appointment. Hallmarks of a faith organisation should be clarity and transparency about what the organisation believes and how it understands and promotes its ethos. This enables it to be fair.

- **Religious posts**
There needs to be a clear understanding in the organisation about those posts which carry GORs and are therefore to be filled by people from a particular faith. It is important that staff are kept informed about which posts these are so that any expectations about promotion/transfer into these posts are based on reality and not on out of date or wrong information.
- **Job descriptions/person specifications**
Job descriptions and specifications must reflect the need to recruit someone who can both carry out the job and maintain the ethos. The person must have skills to do the job and be equally capable of implementing the organisation's ethos.
- **Recruitment literature and advertising**
Copy needs to state not only the activities of the organisation but also the identity of the organisation. It needs to be clear and transparent about the religious ethos of the organisation; what the organisation believes and stands for; what its faith basis is and what this all means in terms of culture, standards and expected behaviours. An emphasis on relational style of working and personal and spiritual development are helpful ways of describing the organisation's ethos.
- **Selection process**
The selection process needs to recognise that getting the right person who can relate to the organisation's ethos is as important as getting someone who can technically do the job; in other words, as well as matching the skills and experience of the candidate to the job description, consideration should be given to a person's relational ability.

The process should also recognise the candidates' commitment and effort to the selection process and, as part of their own learning and development, feedback should be offered to each of them.

Relations

The focus here needs to be about building the ethos through strengthening relationships. A relational organisation is authentic as a religious organisation.

- **Contracts**

A contract of employment is central to the employer/employee relationship. It represents the commitment of both parties to each other and as such must be treated with care, respect and attention to detail.

- **Induction**

The process should include a focus on welcoming new people, how to ensure that they feel a sense of belonging as soon as possible, what they need to know, how to get involved etc. It should begin to hand on the distinctiveness of the organisation by describing its culture and ethos, the values and organisational ways and customs.

- **Communication and relational skills development**

Within the development programme for leaders and managers relational skills should be recognised and developed as equal to the skills required to drive, develop and deliver the mission.

Organisational competencies should include the ability to listen and give constructive feedback.

Good communication needs to be understood not only as a process of sharing information but also as a process of consulting people about their views and opinions.

- **Investment in relationships**

Investment in delivering the organisation's mission needs to be balanced with investment in helping teams work together. To assist this process budget needs to be made available for time out in order to build and strengthen working relationships.

There also needs to be an understanding by leadership and management of the role that whole staff/volunteer events can play in terms of setting the organisational culture. Financial commitment also needs to be made for these.

- **Strategic planning**

In the strategic plan it is helpful to have objectives which not only develop the delivery of the mission but also help the organisation improve its ethos by focussing on its working practices.

- **Disciplinary procedures**

Within the framework of disciplinary procedures the aim needs to be both to improve understanding where relationships have failed, and performance (with the appropriate training and support), where the standard achieved is lower than required.

The procedures themselves should be characterised by the need for management to be both gracious and honest. Support should be available for management to help and encourage them to deal with conflict with care and love.

- **Concerns policy**
Procedures should also be made available to staff and volunteers should they wish to raise a concern. Staff/volunteers must know how to access procedures and management/trustees know how to deal with procedures in order to handle staff concerns.
- **External accountability**
The organisation must be accountable in its external relationships with partners and stakeholders e.g. to funders, donors, partner organisations. It is important to have an understanding and, where appropriate an agreement, about the nature of the relationship and expectations held by both parties.

Development

The focus here needs to be on understanding that the development of the organisation's ethos and mission is dependent on staff and volunteers growing and developing in their God-given potential. An organisation, which concentrates on the development of its own people, is an organisation that understands that its work is an expression of its ethos, that the outer is a reflection of the inner.

- **Learning organisation**
The organisation itself strives to be a learning organisation.
- **Learning and development policy**
A learning and development policy is a useful tool which can set a framework for personal, professional and spiritual growth.
- **Budget**
Learning and development need to be planned for and generally require investment, although few resources should not limit commitment to finding creative solutions.
- **Development plan**
A development plan for each individual which embraces their personal, professional and spiritual needs signals real commitment to individuals' growth.
- **Spiritual direction**
Spiritual direction and spiritual refreshment need to be recognised as essential to the successful delivery of the organisation's mission.

Reward

The focus here is on maintaining the organisation's ethos by seeing the reward policy as an expression of its commitment to equality, integrity and transparency.

- **Theology**
The organisation needs to think through what it understands by reward and the different aspects of reward within a framework of a theology of reward.
- **System for evaluating complexity of jobs**
A method of job evaluation to create a rank order of jobs indicates the organisation's respect for the principles of fairness. This approach can help the organisation embrace the values of equal pay for work of equal value.
- **Rates of pay**
Transparency about rates of pay is critical to a felt sense of organisational fairness.

Faith

The focus here is to enable people of a faith to experience, explore and express the shared motivation for the work. This can take a variety of different forms – joint acts of worship, personal or group prayer, individual or guided spiritual retreat/reflection etc.

- **Prayer and worship**
This aspect of working life clearly contributes significantly to the distinctive nature of it but does not exist in isolation as the only distinctive feature. Religious distinctiveness is expressed in the ethos and the mission as well as in prayer and worship.
- **Expectations**
It needs to be clear in recruitment literature, at induction and in staff literature about expected attendance at such gatherings/events.
- **Leadership**
It is important to clarify which staff posts are required to lead prayer and worship, give spiritual direction, preach, attend religious meetings and contribute theologically. These requirements should be included in the relevant job descriptions.

Development of policies and procedures

If a religious organisation is committed to being true to its ethos and values and therefore able to promote distinctive religious behaviours as outlined above, there are obviously implications for leadership and management. The bottom line is the extent to which a religious organisation is prepared to invest in the development of policy and procedures to help strengthen the organisational infrastructure. The policies and procedures, which help to shape the organisation and provide a context for the practices above, are in the appendices as follows:

- Equal opportunities policy – Appendix 2
- Recruitment policy - Appendix 5
- Guidelines on Terms and conditions of employment - Appendix 6
- Induction and Review guidelines - Appendix 7

The Faithworks Consultancy can help you with the implementation of these and other areas of policy. Please contact us on info@faithworks.info or call 020 7450 9071.

appendix 1: job description template

Name of Organisation

Job Title

Responsible to

Line Manager's job title

Job purpose

Two sentence summary of the job (including link to ethos where there is GOR)

Organisation context

2 – 4 paragraphs providing information about the organisation or department within which the post is based, and some information about the specific area of work (linking to the ethos where there is a GOR).

Ideally attach an organisation structure chart.

Job tasks

Description of the main duties and responsibilities, which can be grouped together under headings if this is useful. Ideally, there will be between ten to fifteen duties and responsibilities in most jobs. One or more of these will demonstrate why the job needs a person of a particular faith to fill this post (if this is the case).

Person specification/key competencies

8 - 12 essential skill requirements for the job, which reflect the demands of the job as shown through the duties and responsibilities including:

Knowledge

Knowledge required, whether gained through education, training or experience.

Experience

Specific experience required for the job, whether gained through life or work or volunteering.

Skills/abilities

Personal qualities, transferable skills and abilities required for the job. This section will require some of the values, where appropriate, described in the ethos and values statement.

Religious commitment (where there is a GOR).

Job description agreed on (date)

by:

Post-holder's signature

Line Manager's signature

Job Title

Job Title

appendix 2:

equal opportunities

Equality of opportunity

The concept of Equal Opportunities is about ensuring that all personnel decisions concerning pay, recruitment, promotion and access to training and development are based solely on an individual's ability to do their job. Equal Opportunities is about using fair procedures to enable you to make fair decisions, creating an environment in which you can treat people equally regardless of who they are, their background or lifestyle.

Diversity

Diversity, as a concept, is more wide reaching. It embraces the principle that people are different and their differences should be valued and respected. It recognises that people from different backgrounds bring fresh ideas and a different approach which can make the way we work and learn more creative and innovative.

Equal opportunities policy and religious discrimination

With the introduction of this legislation, discrimination on the grounds of religion or belief, whilst unlawful for most employers, is lawful for religious employers though only where they can justify the genuine reason for it.

Therefore, as religious employers, while we subscribe to equal opportunities, we cannot say in our equal opportunities policy that we do not discriminate on any grounds - we do discriminate lawfully on the grounds of religion.

Therefore it is important that we make a statement in our Equal Opportunities policy that, in the light of our religious ethos and purpose, we reserve the right to recruit people with a particular faith where there is a genuine occupational reason to do so.

It would then be helpful to indicate which posts this applies to, either by attaching a list or referring to one held elsewhere, and ensuring that it is kept under regular review.

Equal opportunities and sexual orientation

At the same time as the introduction of the religious discrimination legislation (2 December 2003), regulations to outlaw discrimination on the grounds of sexual orientation within employment practices also become law.

Exceptions

There are two exceptions within the Sexual Orientation Regulations that allow employers to discriminate on the grounds of sexual orientation. For both exceptions there has to be a genuine occupational reason that relates to the requirements of the job for a post-holder to be of a particular sexual orientation.

The first exception is what is known as a “general exception”. This exception can be used if the context and nature of the job need the post-holder to be of a certain orientation e.g. for counselling on sexuality.

The second exception is more specific where, to quote from the law, the employer wishes to “apply a requirement related to sexual orientation” e.g. lifestyle and behaviour. This exception allows the employer to discriminate on the grounds of sexual orientation where the lifestyle or behaviour are a GOR.

This exception can only be applied to those posts which are for the purposes of organised religion (e.g. ministers of religion/religious leaders).

For this second exception to be valid the employer must be able to demonstrate that a GOR is necessary either:

- To comply with doctrine; or
- To avoid conflicting with the strongly held religious convictions of a significant number of followers.

Can this exception be applied to all religious staff?

As stated above, this exception relates to those posts whose primary purpose is for organised religion. This is a tightly drawn exception which will allow a GOR to be applied to those posts which lead the purposes of organised religion e.g. ministers, leaders and priests. All of this legislation is as yet untested in court and, accordingly, the extent to which this exception can be applied lawfully to other leadership posts is also unproven. However, in light of the wording of the regulations, wider application of the exception would depend on the extent to which it can be demonstrated that any other role has, as its primary purpose, organised religion.

Can this exception be applied to religious organisations?

This exception applies where the employment is for the primary purpose of organised religion. It is generally understood that "organised religion" does not mean "religious organisations" since the primary purpose of religious organisations may not be to represent or lead organised religion. However, once again, as this legislation has not yet been tested by case law, the answer to this particular question can, at this stage, only be determined by considering the extent to which the post in question is for the purposes of leading or representing organised religion.

equal opportunities

What if neither of these exceptions apply to your situation?

Beyond the exceptions described above, the law is clear – it is unlawful to discriminate on the grounds of sexual orientation.

If your organisation is committed to upholding the sanctity of sex as being part of marriage, Faithworks would advise you to take the following steps:

- Make this commitment clear in your organisation's ethos statement
- Ensure that this value is included in your organisation's value statements and in standards that determine expected behaviours of staff
- Make sure that your staff know the standards expected of them
- Make sure that any action taken against staff in relation to this standard is applied consistently to all staff

Please note that this approach does **not** exempt you from the legislation. The law does not allow any employer to discriminate on the grounds of sexual orientation unless there is a genuine occupational requirement (GOR) to do so. Clarity about your organisational values simply ensures that existing staff and potential recruits know where your organisation stands in relation to this issue so that a process of self-selection can take place if appropriate.

Creating an Equal Opportunities policy

In order to create a comprehensive Equal Opportunities Policy it is necessary to agree a statement first.

equal opportunities

Model Equal Opportunities Statement

*[] is a Christian organisation committed to social justice and actively opposed to discrimination in society.

[] seeks to provide services on a fair and equitable basis, taking into account only the needs of people referred. No person requiring services from [] will be treated less favourably than any other person on any grounds.

As an employer [] aims to ensure that no job applicant or staff member receives less favourable treatment on the grounds of sex, marital status, race, colour, nationality, ethnic origin, disability, age or sexual orientation**.

Entry to employment and promotion or change of post is determined by personal merit and ability relevant to the purposes of [].

[] aims to ensure that people with disabilities are given equal opportunity to enter employment. In doing so, it will fully consider reasonable adjustments to working practices, equipment and premises to ensure that a disabled person is not put at a substantial disadvantage due to their disability. In addition, when staff members become disabled in the course of their employment, every effort will be made through reasonable adjustment, retraining or redeployment to enable them to remain in the employment of [].

[] is a Christian organisation committed to building Jesus' model of the Kingdom of God on earth. Accordingly, as a Christian organisation, there are posts which can only be filled by Christians. They are noted overleaf/below and kept under regular review. The nature of these posts or the context in which they are carried and their link to the ethos of the organisation give rise to a genuine occupational requirement (GOR) for the post-holders to be Christians. All staff in these posts are required to demonstrate a clear, personal commitment to the Christian faith.

It is the intention of [] that no individual or organisation connected with its activities shall hinder the positive implementation of this policy. Any form of discrimination is unacceptable to [].

Any employee may use the grievance procedure to complain about discriminatory conduct. No individual will be penalised for raising such a grievance unless it is proved to be untrue and made in bad faith. Any complaints will be fully investigated. Any discrimination or harassment proven to have taken place will be regarded as misconduct for the purposes of disciplinary procedures.

*name of the organisation

** see notes in sexual orientation paragraphs

equal opportunities

Process for implementing the policy

Your Equal Opportunities Policy should be backed up by an agreed process of implementation as follows:

- The designation of responsibility for the oversight of the policy
- The communication of the policy to make it known and understood; the provision of training for all
- The implementation of procedures to ensure that discrimination, however slight, does not occur
- The implementation of a procedure for handling complaints of discrimination, including harassment, and ensuring that people are aware of it, how it works and how to use it
- The collation of statistics and analysis of them in order to monitor the effectiveness of the policy and to determine the nature of any corrective action
- The use of all the above as part of an ongoing personnel audit

Examples of how to apply equal opportunities to recruitment and promotion procedures

- Job descriptions and person specification for each post should be drawn up and reviewed to eliminate references to non-essential experience or qualifications which might directly or indirectly discriminate against some candidates
- Job advertisements should be displayed and promoted internally and, where appropriate, externally and be visible to all those who work in the organisation. They could also be placed in the press
- The premises used for interview should be easily accessible for disabled candidates
- Questions about the candidate's personal/family circumstances should not be asked
- The timing of interviews should be flexible to facilitate family commitments
- Interviewers should treat each candidate equally and interview them on the basis of the person specification
- Selection should be conducted solely on the basis of the candidate's relative merits, abilities and qualifications
- The gender, disability, status, colour, race, nationality, ethnic or national background of the candidates should be monitored by including a detachable questionnaire with the application form
- Although it is not currently illegal to discriminate against candidates on the basis of their age, it is good practice not to do so, especially as 20% UK employees are over the age of 50



appendix 3: sample ethos statement

The ethos of [] is our motivation for all our work – it is the reason why we do what we do. It is to work together to extend Jesus’ model of the Kingdom of God on earth by living out a lifestyle of love, truth, justice, mercy and forgiveness, according to his teaching. We are inspired his message, life and example of Jesus through which God’s unconditional love for all people is expressed.

While this ethos is given life through our relationships, our relationships - the way we work together and behave with one another - are a demonstration and authentication of our ethos. It is through these relationships, with each other and those whom we seek to serve, that we practice our ethos.

Our ethos or motivation, and therefore our relationships, are rooted in our faith in Jesus Christ and in his love, which compels us to serve others, putting their needs first. When we work together it is this faith which directs and influences our internal relationships as well as our work with those who [] is seeking to serve.

In this way [] operates on the understanding that our activities are simply an outworking of our faith; that our “doing” derives directly from our “being”. There is an essential and indissoluble link between the inner and the outer, the private life and the public face of []. The link between who we are and what we do cannot be broken.

appendix 4: sample value statements

Values about the organisation

- **Integrity**
We believe that our mission and purpose – to extend the Kingdom of God on earth - is indissolubly linked with how we operate internally. The values, which we promote for ourselves as an organisation, should be matched by those which we practice when relating to others. The link between who we are and what we do cannot be broken.
- **Authenticity**
This organisation believes that its purpose - to extend the Kingdom of God on earth through our activities - flows out of our desire to work towards the same for ourselves as an organisation. The love and care with which we serve others should be authenticated by the same love and care which we have for each other.
- **Transparency**
We believe that we should be open and transparent about our beliefs and the link between our beliefs and our mission in matters of publicity, fundraising, employment etc.
- **Accountability**
We believe that all we have comes from God and that we should exercise wisdom, integrity and responsibility in using the resources entrusted to us.
- **United effort by Christians**
We are committed to maintaining our distinctively Christian ethos by ensuring that Christians, as volunteers and staff, are appointed to those positions, which have been agreed require Christians to fill them.
- **Diversity**
We believe that we have a duty to maintain our Christian distinctiveness by recruiting those who are committed to Christ's teaching about the Kingdom of God. However, at the same time we want to embrace the values of inclusivity and diversity by welcoming and involving, where appropriate, those of other faiths and those of none.
- **Servant leadership**
We believe in working for the common good, where appropriate, through partnership with other Christian organisations, churches and voluntary and statutory agencies. In particular, we seek to encourage, serve and build up other bodies, recognising their role within local communities.

sample value statements

Values about people

- **Equality**
We affirm the God-given value of each person and believe in the equal value of all. We stand for respect and freedom for everyone and tolerance and understanding between people of different opinions.
- **Discipleship**
We believe that as we serve others we learn as much about ourselves and our relationship with God as do about the work.
- **Well-being**
We believe that God created people in His image, to be whole human beings and to flourish. We believe that well being should characterise our lives as volunteers and staff and wherever else we belong and participate.
- **Transformation**
We believe that everyone should have the opportunity to develop and change, realising their potential and thus make a full contribution to the organisation and to society in general. We believe that as we grow and change, not only are we transformed but also the world around us. We believe that everyone is a learner and should be encouraged, supported and challenged to become who he or she can be. Learning who we are in God is as important as learning how to do the job.

Values about the way we work

- **Commitment to each other**
We believe that a tolerant society is one in which people of different opinions can live together in peace. In working together to deliver the work of the organisation we want to endeavour at all times to trust one another, being patient and forbearing. We should work at paying attention to the way we speak to one another, attempting to listen well, even when it is uncomfortable to do so, being able to confront difficulties carefully and with compassion.
- **Interdependence**
We believe that each person has his or her own part to play and contribution to make to the whole. We believe that every opportunity should be taken to exchange views so that we can improve our understanding of ourselves and of one another and of the work we do.
- **Community**
We believe that a healthy community is one to which people feel that they belong. Within this organisation we are committed to the same way of life where volunteers and staff experience a sense of belonging to and identity with the organisation. We believe that successful delivery of our mission happens when people feel they belong and have a role, where inclusive community and a family atmosphere are fostered.

appendix 5: sample recruitment policy

Recruitment policy

A recruitment policy statement outlines your organisation's approach to recruitment. Below is a sample.

The recruitment of people into [*] at all levels is a vital activity. It is the first step in the process whereby its principle aims of can be achieved.

The standards of recruitment practice and the quality of people recruited have a major influence on the image and direction of [] and its capacity to deliver its stated objectives.

The primary aim when recruiting staff is to ensure that the best person is selected for the post. The selection process for each post in [] is carried out in accordance with:

- The purpose and faith basis of []
- Procedures which are efficient, effective and fair and which embody those aspects of legislation which have implications for recruitment
- [] Equal Opportunities Policy

It is recognised by [] that all people concerned with the recruitment process must have a clear understanding of the above.

As an employer [] is committed to the spirit and intention of equal opportunities and aims to ensure that no job application is discriminated against on the grounds of sex, marital status, race, colour, nationality, ethnic origin, disability, age or sexual orientation**.

[] is a Christian organisation committed to building Jesus' model of the Kingdom of God on earth. Accordingly, as a Christian organisation, there are posts which can only be filled by Christians. They are noted overleaf/below and kept under regular review. The nature of these posts or the context in which they are carried and their link to the ethos of the organisation give rise to a genuine occupational requirement for the post-holders to be Christians. All staff in these posts are required to demonstrate a clear, personal commitment to the Christian faith.

*name of organisation

** see Equal Opportunities – appendix 2 – paragraphs on sexual orientation

Recruitment procedures

Your recruitment process will be made up of numerous steps:

Job description

The place to start for all vacancies is with the job description. Even if it has already been written for a previous vacancy, it is always helpful to take time to review it. The job description is the basis for the rest of the following process. If your job description is not accurate, it is likely that your selection will be flawed. The job description should define:

- The main purpose of the job
- The role of the job-holder
- The main tasks to be carried out
- The areas and level of responsibility
- The context in which the job is carried out

If the job requires someone with a particular faith it will be important to clarify the genuine occupational requirement (GOR) and the expectations – e.g. responsibility to lead worship/prayers, to preach, advocate on behalf of the organisation etc (see page 8).

Person specification

This is an assessment of the knowledge, skills and aptitude required to carry out the job description satisfactorily. It describes the requirements of the job in relation to the individual. Broadly speaking there are two parts to this process:

- The technical ability for the job i.e. the qualifications, knowledge and experience required for the post
- The personal qualities required of the post-holder i.e. aptitude, religious commitment

It's important that both the technical abilities and the personal qualities included in the person specification relate precisely to the needs of the job. If this is not the case, then an employer may limit the number of people who will apply for the job and also, indirectly and unfairly, discriminate against some candidates.

Pay and benefits

Before it is possible to advertise, the question of pay should be considered (see Contracts of Employment, appendix 6).

sample recruitment policy

Application forms

Using application forms is preferable to asking for letters of application, CVs or simply relying on questions at interviews. It facilitates easier comparison, like with like, and therefore helps in the initial sift of candidates. It also provides a basis for the interview and records the candidate's details. Unlike secular organisations the application form for religious organisations will include a request for information about religious commitment e.g. place of worship attended, nature of involvement etc. In order to avoid misunderstanding it is helpful to include a note for all candidates explaining why this information is requested i.e. if this job requires someone with a particular faith it will be important that the relevant details are provided. If the job does not require someone with a particular faith, it will be important to explain that this information is not required and that non-completion of this box will not prejudice the application.

Advertisement

The aim of any job advertisement is to produce a number of applicants who are able to do the job, whilst at the same time minimising the number of unsuitable applicants. If you decide not to advertise, you are likely to limit your opportunity for finding the best candidate. The advertisement should include:

- The name of the project
- Brief information about the project
- Job title and information about the key tasks, level of responsibility and possible development
- Essential requirements of the job, including whether the job requires someone with a particular faith. There needs to be a strong link here to the religious ethos of the organisation
- Hours of work
- Salary (and other terms and conditions where appropriate)
- Closing date for applications together with the proposed interview date, if known
- Name and address to apply to

If you have not already done so, you need to decide whether you are going to recruit from within your organisation/project or whether you will consider external applicants. (If you are using statutory funds you are likely to be required to advertise externally as well as internally.)

Recruitment packs

Prepare a pack of material that you wish to forward to prospective candidates. This should include the application form, job description and person specification, plus any other relevant information about the project, including its religious purpose together with your organisational ethos and values statement.

Shortlisting

Shortlisting is the first stage in a selection process. However, it is also true to say that effective advertising should help people to self select. The key point about shortlisting is that the process is purely about assessing the candidate according to the information available on the application form.

Ideally a minimum of two members of your selection/interview panel should be involved in shortlisting. Together they should agree which criteria they will use for the shortlisting process and compare results after each has undertaken this process separately. The results should be recorded.

Selection

Depending on the nature of the vacancy, it may be appropriate to use different assessment techniques, in addition to an interview, at the final stage of selection. For some jobs part of the selection criteria may include competent use of machinery (e.g. catering equipment), the ability to draft a letter, use a balance sheet, give a presentation etc. In these situations it is helpful to design a simple exercise to test ability. In other jobs the criteria may include the ability to express oneself clearly to others or to work well in group situations. The candidates could, for instance, be asked to take part in a group discussion exercise with selectors acting as observers.

Interviews

In spite of the limitations of interviewing, it is still the main method by which selection decisions are made. Well-prepared interviews and interviewers can provide essential evidence for good selection.

Interview Best Practice

- Avoid questions which require only a 'yes' or 'no' answer
- Ask only one question at a time. Rephrase bad questions if the candidate struggles to answer
- Avoid long questions, or those that need a long preliminary explanation
- The best questions are: When? Which? Who? Where? and Why?
- Good questions lead from past answers. When you get a lead follow it by asking subsidiary questions
- Give your full attention to the candidate and make it obvious you are doing so – they need some form of feedback
- Listen to the candidate. Do not do all the talking. The ratio should be in favour of the candidate
- Whilst you want your questions answered, in order to collect as much evidence as possible, don't be surprised if you receive unexpected answers. You'll make the candidate nervous if you suggest that this is not the answer you expected. Try suggesting that there may be an alternative response if you think that the candidate has misunderstood the question
- Never argue or give advice – give information when this is required
- Pay attention to what the candidate wants to say; does not want to say; cannot help saying

sample recruitment policy

Getting a match

Whatever method of selection you use, one of the key considerations within the process, apart from finding evidence that the person meets your criteria, is to establish that there is a match between the candidate and your organisation. To ensure that you do this, the aptitudes and skills, required to reflect your organisational ethos, need to be expressed in the person specification for the job.

Informing candidates of the outcome of the interview

All candidates should be informed as soon as possible after your decision has been made. Be prepared to debrief the unsuccessful candidates. Given the time and effort which most people put into an application it is good practice to offer to explain why an application was not successful. This will require that you keep a record of the selection process which you have to hand. Do not attempt to do this without providing evidence of the reason for de-selection.

Conditional offer

Any offer made to the successful candidate should be subject to satisfactory references and where appropriate, a satisfactory medical examination/questionnaire. A statement of terms and conditions of employment, detailing salary and job title should be enclosed.

References

No offer of employment should ever be confirmed before satisfactory references and other checks, as appropriate, have been received:

- Wherever possible written references, either from the previous employer or from current voluntary work, should be obtained
- References should be checked for factual information e.g. length of service
- If the post applied for involves working with children or young people, the reference request form should always ask for comments on suitability for this type of work

Checks to verify suitability for work with children and young people

Employers have a statutory duty to carry out certain checks in this area.

Medical checks

If the job involves physical fitness (e.g. lifting, travel) it is very important to check out the candidate's fitness to do the job before he/she takes it up and suffers illness/absence. To do this you need to tell the candidate that this will be a condition of the job offer and you need to set up the process with a local GP. This may incur a charge. It will also require you to provide the GP with a job description.

sample recruitment policy

Resources and contacts

NCVO Publications – The Good Employment Guide
Regents Wharf
8 All Saints Street
London
N1 9RL

www.ncvo-vol.org.uk

ACAS Publications - a Handbook for small firms
ACAS Reader Ltd
PO Box 16
Leicester
LE9 8ZZ

www.acas.org.uk

Chartered Institute of Personnel and Development – Recruitment Code of Good Practice for Both
Recruiters and Applicants
CIPD House
Camp Road
London
SW19 4UX

www.cipd.co.uk

Book Sales: 01752 202 301

Book Enquiries 020 8263 3387

See also page 38 for services offered by Faithworks.

appendix 6: terms and conditions

Terms and conditions of employment

Who should have a written statement of Terms and Conditions of employment?

All employees whose employment lasts for one month or more are entitled to receive a written statement detailing their terms and conditions of employment. This forms the basis of the employment relationship. This is often a difficult area for religious organisations where there is an unwritten but nebulous assumption that because we all want to support one another it will therefore not be a problem to accommodate each other's needs. However, because employment is such a classic area for misunderstanding proper management is essential. Writing down the terms is a way to minimise disagreements later.

What information should be in the written statement?

It must cover:

- The names of the employer and the employee
- The date when the employment (and, where previous employment counts as previous employment, the date when the period of continuous employment) began
- Remuneration and the intervals at which it is to be paid
- Hours of work
- Holiday entitlement
- Entitlement to sick leave, including any entitlement to sick pay
- Pensions and pension schemes
- The entitlement of employer and employee to notice of termination
- Job title or a brief job description
- Where it is not permanent, the period for which the employment is expected to continue or, if it is for a fixed term, the date when it is to end
- Either the place of work or, if the employee is required or allowed to work in more than one location, an indication of this and of the employer's address.
- If there are no particulars to be given for one of the items required to be covered in the statement (for example, where there is no pension entitlement), this should be indicated.

terms and conditions

The written statement of employment should also include the employer's disciplinary and grievance procedures. Please note that employers are now required to follow minimum statutory disciplinary and grievance procedures. The written statement should also include details stating whether or not a pensions contracting-out certificate is in force for the employment in question.

When must the contract of employment be given?

It is preferable if the employment contract can be given at the time of confirming employment after the selection. This should be conditional on receiving acceptable references and checks. However, in law, all the required terms must be given within two months of the date when the employee's employment began.

What to pay?

By comparing the position offered with other similar jobs or considering Local Authority rates you can arrive at the rate of pay. Doing this will give you a 'feel' for the rate of pay and guide you in your decision making. However, it is not a precise science and, if you have several jobs to pay, it is helpful to have a method of evaluating the size and complexity of different jobs in relation to one another. Job evaluation schemes provide you as an employer with a tool to enable you to measure the value of each job in relation to others and then link them, by using a grading system, to a salary scale.

The overall package you offer can be enhanced by benefits including provisions like holiday entitlement, occupational sick pay and a contribution to a pension. Remember that recent legislation requires employers to give employees access to a stakeholder pension and paid holidays. Other benefits can also include flexible working arrangements – e.g. working from home, flexi hours, term-time contracts and opportunities for training or study leave. Take care to document these arrangements.

Aim at an annual pay review. This is important to keep up with inflation, not just from the employees' point of view, essential though this is, but also from the employer's point of view. Whenever you fail to do this, it makes the increase in future years much harder to bear as well as making you less attractive as an employer.

Finally, remember that the minimum wage is now in place at a rate of £4.50 for 18s and over.

Pay Details

It is necessary to provide employees with a written pay statement each time salary is paid. This must show the gross amount payable, all amounts deducted (tax, national insurance, etc.) and the net amount payable.

Make sure payment is made on time each month.

If you would like help with model written statements of employment please contact Faithworks on info@faithworks.info or call on 020 7450 9071.

appendix 7:

induction and reviews

The benefits of a process of induction are self-explanatory. It helps the new person to settle in quickly, to know where they fit, to whom they relate, to feel valued and to operate effectively as part of the team. However, because resources are always limited and the pressures are great, it's the less tangible things like induction that tend to get played down or completely overlooked. A compromised or non-existent induction programme is bound to affect how an employee feels about his/her work and colleagues, which in turn can easily affect his/her relationship with your clients/users and may eventually even influence whether they stay or not.

Induction tips

- Make arrangements for the new person before the job starts – desk, 'phone etc
- On the first day or so go through the job description – explain how it fits in with the rest of the work and responsibilities of other team members
- Introduce the new person to other staff and volunteers – inform others in advance when the new person is starting
- Explain the staff/volunteer relationship with the management committee
- Go through the terms and conditions of employment again – check that all the pay (NI/bank) details have been forwarded to the right place. Deal with any queries at the beginning
- Explain where things are, ordering processes etc
- Explain the reporting process – who is in charge
- Explain any rules, particularly health and safety procedures. Location of first aid facilities, etc
- Refer to any rotas – who does them – what are the expectations of the new person?

inductions and reviews

Work and Personal Development Review

When people take up the kind of work you have to offer them it represents a serious personal commitment. For them it's a way to work out their faith in their lives. It forms part of their spiritual journey and is therefore an intensely personal matter.

The way in which you, as an employer, respect this level of commitment is all important. There are a number of positive ways in which you can achieve this. One way is to develop a set of agreed objectives for your employee and then to review them on a regular (annual or bi-annual) basis. This exercise needs to take place between the member of staff and their line manager (i.e. the person responsible for them). You can also enhance this process by offering the employee an opportunity to identify and work on a series of personal development goals, which are then reviewed in the same way. In this way their work can become not only a tool to develop the project, but also themselves.

The ACAS booklet *Employee Appraisal* provides guidelines for setting up this system.

Resources and contacts

DTI Publications Orderline
Tel 0870 1502 500
Email dtipubs@eclogistics.co.uk

ACAS Reader Ltd.
PO Box 16
Earl Shilton
Leicester
LE9 8ZZ

Tel 01455 852225
Website www.acas.org.uk

CRB
PO Box 91,
Liverpool
L69 2UH

CRB info line 0870 90 90 811
Website www.crb.gov.uk

See also page 38 for services offered by Faithworks

appendix 8: how can we help?

Faithworks Services

The Faithworks Consultancy service exists to empower, inspire and equip churches, projects and organisations to develop their role with professionalism at the hub of the local community. Since its launch in October 2002, the service has offered practical advice and assistance to hundreds of churches engaged in all areas of community development. It now provides:

- **Audits**
These self-help packs enable you to audit the needs of your community, identify the resources available to your church and ensure that your working practice is consistent with your Christian ethos
- **Consultants**
The Faithworks Skills Bank provides access to consultants who are able to offer advice and assistance in all areas of community development
- **Conferences**
To help CEO's and HR Managers of Christian organisations ensure that their employment practices reflect their Christian ethos and that they adhere to the Employment Regulations (Religion/Belief) of December 2003
- **Bespoke services**
Because no two projects are the same, available services include - business planning, grant writing and organisational development
- **Seminars**
Offered to groups of local church leaders to help them develop their role within the community, resource them to engage with local government structures and ensure that their employment practices comply with the changes within the Employment Regulations (Religion/Belief) of December 2003
- **Training**
Can be booked by groups of churches or projects who wish to make the most of local government opportunities

For more information on any of these options please visit the Faithworks website at www.faithworks.info/training. For enquiries or bookings please contact info@faithworks.info or call 020 7450 9071.