SUPPLEMENT

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"*,[73] 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"*,[74] Catholic Christians are called to adhere to Gospel values and to practise moral choices which often are *"contrary to the world's behaviour"*.[75] 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.

The Catholic Bishops' Conference of England and Wales requires that certain key posts within Catholic schools are held by 'practising Catholics'.[76] This Supplement defines what a 'practising Catholic' is for the purpose of these appointments.

Why does the Church insist that being a 'practising Catholic' is a 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[77] that to fulfil the objectives and activities of a school's particular religious ethos, it is necessary for posts within the school to be filled by those who are members of, or practise the religion of the school. Thus for teaching roles preference may be given to a Catholic and in non-teaching roles in England, to a Catholic where applying an occupational requirement to be a Catholic is a proportionate means of achieving a legitimate aim.[78]

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[73] Gospel of John 14:15.

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

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

[76] 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.

[77] See Appendix B, School Standards and Framework Act 1998, Section 60 as amended by Section 37 of the Education and Inspections Act 2006.

[78] Equality Act 2010 Schedule 9.

Certain 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"*[79] of the school's religious ethos but, in the case of Headteachers or Principals, that they are able and fit to *"preserve and develop"*[80] that ethos and, in the case of certain other designated posts, that they hold *"religious opinions"*,[81] *"attend religious worship"*[82] and *"give, or are willing to give, religious education"*[83] in accordance with the precepts and tenets of the religious faith of the school.

As already stated above, the Catholic Bishops of England and Wales have collectively mandated that in Catholic schools certain key posts carry a requirement that they are held by 'practising Catholics'. These are the posts of Headteacher or Principal, Deputy Headteacher or Vice-Principal, and Head or Co-ordinator 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 specific 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[84] (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 objectives and activities which are essentially catechetical and religious. They are thus vocational as well as professional in nature.[85]

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.

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[79] See Appendix B, School Standards and Framework Act 1998, Section 60, (5), (b).
[80] Ibid., Section 60, (4).
[81] Ibid., Section 60, (5),(a), (i).
[82] Ibid., Section 60, (5),(a), (ii).
[83] Ibid., Section 60, (5),(a), (iii).
[84] Cf. *Christ at the Centre*, Fr Marcus Stock, Diocesan Schools Commission, Archdiocese of Birmingham 2005, pp. 10-15.
[85] Cf. *Lay Catholics in Schools: Witnesses to Faith*, Sacred Congregation for Catholic Education, 1982, §37.

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 '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 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.[86] These religious activities are made provision for in statutory legislation[87] and made explicit in the contracts of employment.[88]

Integral to the effectiveness and professionalism of the activities and objectives of these key posts is the exercise of a distinct 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 vocations and 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.

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[86] Cf. *The Catholic School*, Sacred Congregation for Catholic Education, 1977, §71.
[87] See Appendix B, School Standards and Framework Act 1998, Section 60.
[88] *Catholic Education Service Contracts of Employment* (*Leadership Contracts*), Section 4.3 and 4.4.

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[89] which are worthy of their high calling and the position of religious trust they are given within the mission of the Church. The religious nature of these posts is the reason for the 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 mission within the Church. Above all others then, these posts must be substantively held and maintained by 'practising Catholics'.

What then is the objective definition of a 'practising Catholic' for appointments to membership of the governing authority of a Catholic school or to key posts within the school?

To objectively define what a 'practising Catholic' is when assessing applicants for membership of the governing authority of a Catholic school or to key posts within the 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[90] by being faithful to the teaching of the Gospel,[91] by trying to uphold the values[92] proclaimed in the Beatitudes,[93] by assisting in the Church's mission to make Christ known to all peoples,[94] by upholding privately and publicly the Church's moral[95] and social[96] teaching, by endeavouring to follow an informed conscience[97] and by making every effort to keep the precepts[98] 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"*[99] with the Catholic Church. These are sacramental initiation (Baptism,[100] 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.[101] It is what essentially constitutes being a committed and 'practising Catholic'.

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[89] Cf. *Lay Catholics in Schools: Witnesses to Faith*, Congregation for Catholic Education, 1982, §32.

[90] *Code of Canon Law*, Can.210.

[91] *Code of Canon Law*, Can.217.

[92] *Christ at the Centre*, Section A5, Diocesan Schools Commission, Archdiocese of Birmingham, 2005, p. 8.

[93] *Catechism of the Catholic Church*, n.1725-1729.

[94] *Catechism of the Catholic Church*, n.871-873; *Code of Canon Law*, Can.211.

[95] *Code of Canon Law*, Can.225 §2 and Can.227.

[96] *Code of Canon Law*, Can.222 §2.

[97] *Catechism of the Catholic Church*, n.1783-1785.

[98] 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.

[99] *Code of Canon Law*, Can.205.

[100] 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.

[101] *Code of Canon Law*, Can.209 §1.

Therefore, for appointment as a member of the governing authority of a Catholic school or to key posts within the 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 as a member of the governing authority of a Catholic school or to key posts within the 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 or not 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.*
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> *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'.*
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> *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."* [102]

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

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"*.[103] These choices are often made at great personal cost and sacrifice but are made freely and out of a profound love for God. 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 though which are incompatible with the teaching of the Catholic Church and objectively impair[104] 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.[105]

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 member of the governing authority 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"*[106] 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.[107]

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.[108] Some examples of these would be:

- dishonesty;
- attending work or undertaking duties whilst under the influence of alcohol or unlawful drugs;
- malicious or wilful damage to any property;
- a serious breach of any relevant code of conduct or professional standards;
- violence to any person;
- conduct giving rise to any child protection issue;
- conduct that is likely to bring the school into disrepute, etc.

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[103] Cf. Gospel of John 14:6.

[104] 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.

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

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

[107] *Catholic Education Service Contracts of Employment*, Section 4.3.

[108] 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: *Teachers' Standards for England*, Teaching Agency, DfE, May 2012 or the *Revised Code of Professional Conduct and Practice for Registered Teachers*, General Teaching Council for Wales, 2010.

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;[109]
- 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;
- 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;[110] 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 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 to be a member of the governing authority of a Catholic school or to 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 members of the school's governing authority 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 members of the school's governing authority should work in partnership with, and follow the advice from, the appropriate officers at their Diocesan Schools Commission or Diocesan Education Service.

[109] *Code of Canon Law*, Can.1364.
[110] *Code of Canon Law*, Can.1059.

With regard to appointing only 'practising Catholics', 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 whilst also encouraging them to maintain their life of prayer and faith within the Church.

What if a Catholic, appointed as a member of the governing authority of a Catholic school or to a key post in a 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 member of the governing authority of a Catholic school seriously contravenes the declaration that they signed as a condition of their appointment, they can be removed from office[111] 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."* [112]

Reflecting this contractual obligation, the Catholic Education Service's 'Model Disciplinary Procedure' defines a principal example of gross misconduct in a Catholic school as: *"Conduct which is incompatible with or prejudicial to the religious character of the school or the precepts, or the tenets, of the Catholic Church."* [113]

Therefore, if someone who has been appointed as a member of the governing authority of a Catholic school or been 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

[111] *School Governance* (*Constitution*) (*England*) *Regulations* 2003, 23(1)c.

[112] *Catholic Education Service Contracts of Employment*, Section 4.3.

[113] Catholic Education Service, Model Disciplinary Policy and Procedure (April 2012 for schools and academies in England and September 2012 for schools in Wales).

the Catholic ethos of the school will need to be undertaken and, in some circumstances, this may necessitate a member of the governing authority of a Catholic school 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, 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.

Supplement Conclusion

"If you love me you will keep my commandments" [114]
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.

Members of the governing authority of a Catholic school or Academy and the holders of certain key posts which carry with them a 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"* [115] and *"not to do anything in any way detrimental or prejudicial to the interest of the same"*.[116]

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 a 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.

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[114] Gospel of John 14:15.

[115] See Appendix B, School Standards and Framework Act 1998, Section 60, (4); *School Governance* (*Constitution*) (*England*) *Regulations 2007*, 8 (1) (a) and the *School Governance* (*Constitution*) (*England*) *Regulations 2012*, 9 (a) (ii).

[116] *Catholic Education Service Contracts of Employmen*t, Section 4.3.