

Guideline Leaflet L09C: Equality law and the importance of defining your Christian ethos

This leaflet is designed to help churches to understand the provisions of the Equality Act 2010, particularly in relation to using the organised religion exceptions to confirm and support the Christian ethos of your church. This is the third in a series of five leaflets addressing different aspects of these provisions.

This Guideline Leaflet is regularly reviewed and updated. To ensure that you are using the most up to date version, please download the leaflet from the BUGB website at www.baptist.org.uk/resources

The date on which the leaflet was last updated can be found on the download page.

These notes are offered as guidelines by the Legal and Operations Team to provide information for Baptist churches.

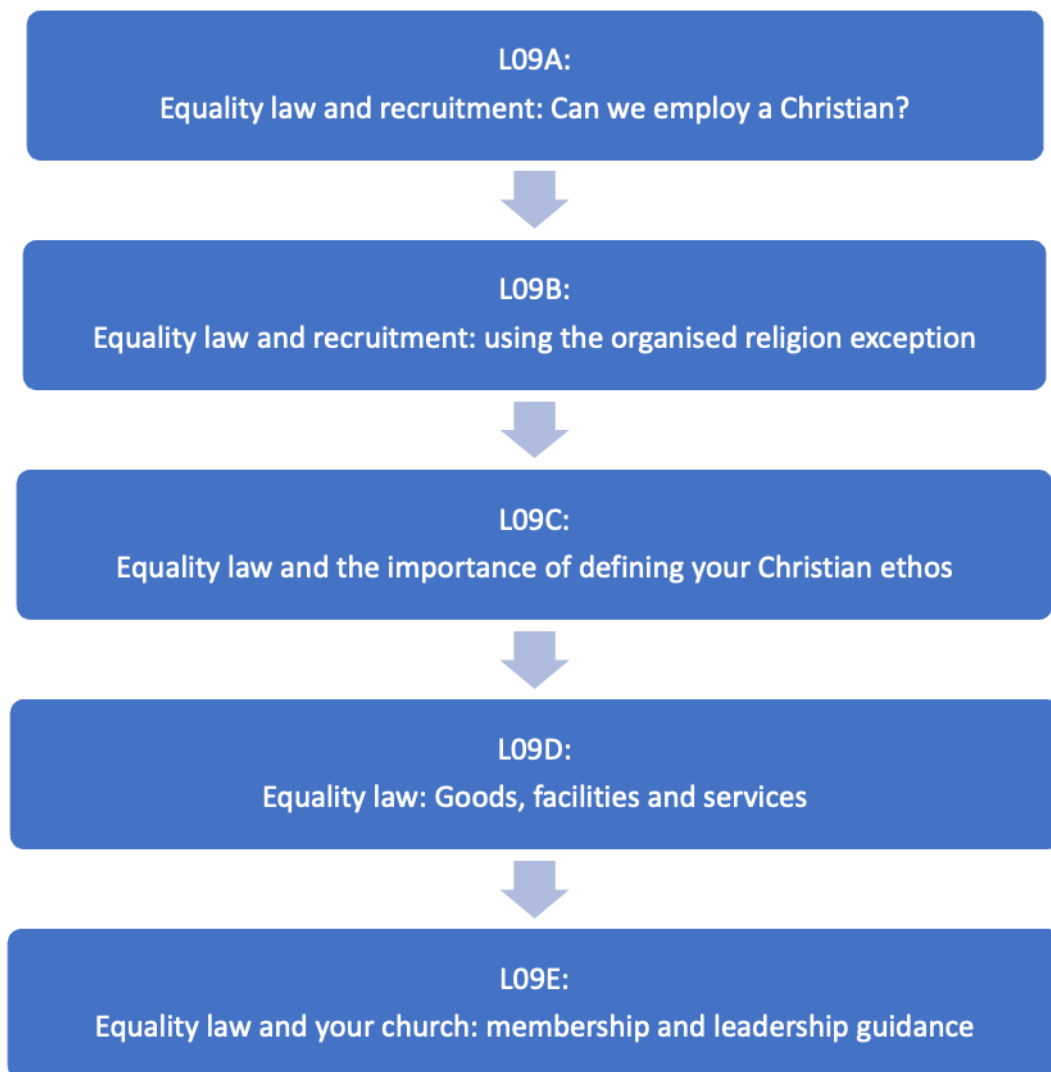
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These notes can never be a substitute for detailed professional advice if there are serious and specific problems, but we hope you will find them helpful.

THE L09 LEAFLET SERIES

This series of leaflets provide guidance to churches on how to consider and make use of the religious exception provisions laid out in the Equality Act 2010. We recognise that there are circumstances where a church will want to specifically employ a Christian, to clearly state the church's position in relation to some issues of ethics and values, and to make sure that it acts fairly and legally in relation to employment of staff and the provision of services. All of these issues are dealt with in this series of guideline leaflets.

The diagram below shows the full set of leaflets in this series. This leaflet **is L09C: Equality Law and recruitment and the importance of defining your Christian ethos.**



INTRODUCTION

The purpose of this guidance is to help your church clarify and promote your Christian distinctiveness. It is really important you do this if your church wants to be able to discriminate lawfully because of religion or belief and rely on some of the occupational requirements that are available in recruitment and or rely on the religion and belief exception when providing goods, facilities and services.

This may arise if you need to appoint a Christian to the role and/or want to apply certain conditions to the post holder such as a requirement not to be remarried following divorce or not be of a particular sexual orientation or a trans person by way of examples. This may also arise if, for example, your church wants to place restrictions on what its facilities or premises may be used for or by whom.

This guidance is also designed to empower your church to discern where it stands on particular issues of doctrine so that your church can employ Christians within the law in situations where it has been identified that there is a genuine need for Christians, apply any conditions to the applicant or job holder if justified and provide goods, facilities and services with confidence.

For a comprehensive and practical explanation of the law and the issues your church needs to consider when recruiting or offering goods, facilities and services, we recommend reading the following leaflets first:

- *L09A Equality law and recruitment: can we justify employing a Christian?;*
- *L09B Equality law and recruitment: using the organised religion exception; and*
- *L09D Equality law and goods, facilities and services: can we apply any exceptions on grounds of religion or belief?*

For the purpose of this guidance, references to 'your church' shall include Christian missional projects and pioneering ministries and initiatives.

Please note: If you wish to use a quotation from this leaflet, please include a link to the whole leaflet in any presentation or article, as this is a complex area and this guidance must be understood in its full context.

1. YOUR CHRISTIAN ETHOS

1.1. *What is a Christian Ethos statement?*

A Christian Ethos is a statement where you set out your values. Churches and Christian charities are examples of organisations with an ethos based on religion or belief.

1.2. *Why do we need to identify and document what makes our church or Christian project distinctively Christian?*

Ethos can be defined as the spirit or shared motivation of a group of people or an organisation. It's why people do what they do – in other words, it is 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.

There are times when your values as a church will mean that you need to use the legal exceptions provided by the Equality Act 2010, set specifically in place to allow religious organisations to act in ways that fit with their values. Please note that there are never grounds in a church context to discriminate on the basis of race, ethnic origin or disability, age, pregnancy or maternity.

In order to successfully apply some of the exceptions and Occupational Requirements referred to in this guidance, the law says that the OR must relate to the organisational ethos of the church/project. Identifying your ethos is vital because it will be much harder to claim an OR if you cannot demonstrate that your organisation has a Christian ethos.

To put your church or Christian project in the best position to justify any discrimination allegations, you need to ensure you are clear on what makes your church/project distinctively Christian.

If the need for a Christian in a certain post has nothing to do with the organisation itself being Christian, then the need for a Christian will be much harder to establish.

Clarifying your distinctive organisational ethos also helps to make sure that **what** you do in the community as Christians is rooted in **who** you are as Christians.

1.3. *Where do we start with documenting our Christian ethos?*

Your church's own vision and values statement should be your starting point. In addition, the following documents may provide some assistance but they should not replace your church's own statement.

The text of the BUGB's Declaration of Principle can be found in full at the following website link: https://www.baptist.org.uk/Groups/220595/Declaration_of_Principle.aspx

1.4. *Steps to help you identify and work with your Christian Ethos*

First, don't worry if you haven't already done this work. This is an opportunity to reflect on where you have got to and consider whether to make changes if necessary.

- **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 your ethos is more than describing your purpose; it's about articulating the unique characteristics of your church or Christian project, what makes it distinctive and different to other organisations. Ethos therefore is more about what your values are and what your organisation stands for than what it does.

Having said that ethos is not just 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 or 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 your organisation's values and what it stands for.

- **Talk to church leaders and staff**

Another technique at this stage is to ask people what motivates them to work with your church/project. This process might be easier to explain and manage in a smaller, rather than larger, operation. While you, as a senior person in the church/project, know instinctively what makes it different, others are likely to be less aware. Hearing the reasons why people have chosen to work with you in preference to another church/project can be a useful pointer to its real distinctive and unique characteristics.

- **Draft an ethos statement**

In Annex A there is a sample ethos statement. If you want to use this as a model, please take care to ensure that you reflect on the unique characteristics of your church. Please remember to consider include references to Baptist ethos and identity as well as the Declaration of Principle. Statements typically include sentences which describe:

- Clarity about your shared motivation – why people are working with your church/project
- Clear values – what your church/project stands for
- How we treat each other – how the motivation and Christian values are practised internally – the way people are treated and treat each other
- How we serve our community – how the motivation and Christian values are expressed externally – the way people are served by your church/project

The next thing to do is to think about how to ensure that the things that describe your ethos actually happen in practice on a day-to-day basis. It is one thing to say these things about ourselves as a church/project; it is another altogether to live by them. This is the point about being authentic. One way to start working on this is to develop a list of values that reflect the statement of ethos. In Annex A there are some values which might be helpful to 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 on how your church operates**

The final thing to do is to take this to your church members for discussion and discernment. At this stage you will be focusing on how these values relate to and affect the way your church/project operates – your organisational practices and procedures.

1.5. *How does your Christian ethos influence what you do in practice?*

Stating our ethos and values is a big step towards being clearer about our Christian identity. The next step is to ensure that who we say we are as Christians (our distinctive 'being' or identity) is reflected in our 'doing' or how we behave in our church/project. This is about relating our ethos and values to our church/project practices and procedures. A perfectly crafted ethos and values statement is only worth the paper it is written on if it is applied in reality.

2. EMPOWERING YOUR CHURCH TO DISCERN CERTAIN ISSUES

- 2.1. Baptist churches within the BUGB are autonomous. Therefore, it is important for your church and/or Christian project to discern where it stands on certain issues such as appointment to leadership, re-marriage after divorce, sexual orientation, gender re-assignment. We acknowledge that it may be very challenging to reach a position on these issues with different churches coming to different positions as a result of their discernment process. However, if you wish to rely on some of the occupational requirements when recruiting or to rely on the general religion and belief or sexual orientation exception in the course of providing services, facilities such as the hiring out of your premises, it is extremely important that you do discern and reach a position on such issues so that if your church and Christian project face a legal challenge of discrimination, you have put your Church or Christian project in the best possible position to defend itself. These issues are coming up in our churches all the time and it is far better to proactively address these matters as a church then face a risk of challenge or rush to put together documentation without a proper process of listening, prayer and discernment.
- 2.2. **Below we have included an example of how a church within the BUGB might set about discerning some of these issues successfully with reference to an anonymised worked practical example.**

ABC (Anytown Baptist Church_ recently reviewed their recruitment processes, recognising that it is important that their use of occupational requirements reflected the discerned position of church member on several sensitive matters. They did this using 6 practical steps:
Step 1 – The leadership team took professional advice to understand their legal position and the options open to them.
Step 2 – The leadership team drafted an ethos statement that set out their values as a church.
Step 3 – The leaders looked carefully at each area where they had the option to apply a religious exemption. They looked at the practice of the church in recent years, and considered the discussions that had taken place in recent bible study series in the church’s house-groups.
Step 4 – The leaders took a draft ethos statement to the church meeting, sharing their thinking and asking for specific feedback on the areas of doctrine where additional statements might need to be added to the ethos statement. Church members were given time to pray and reflect before this meeting, and time to talk with leaders in advance if they wanted to. A helpful discussion took place at the church meeting.
Step 5 – A second church meeting was booked 6 weeks after the first meeting. At that meeting church members were asked to approve the new ethos statement. It was approved, but not unanimously.
Step 6 – The leadership team used the ethos statement to update their safer recruitment policy and have now put this into action with recent appointments.

Annex A

Note for churches: this Sample Ethos Statement has been provided for you to use as a guide when developing your own Ethos Statement. The sample statements of belief, in particular, are provided for reference only and reflect the variety of positions already present among BUGB member churches. It is important that your church meeting discerns these matters for itself and writes statements that reflect your discerned position. Please also refer to our guide L09C (above) about equality law and the importance of defining your Christian ethos.

Sample Ethos Statement

1. Our Christian Identity

[*name of church*] is a community of Christians who live to worship God, to grow in our understanding and experience of God, to share the good news about Jesus Christ and to work for the common good. It is this Christian identity, our covenant with the Baptist community and [*name of church*]'s agreed beliefs and values that are the foundation of all we are and do.

2. Our Commitment to the Wider Baptist Community

[*name of church*] has chosen to covenant with the Baptist Union of Great Britain (BUGB) and its member churches and organisations. Therefore, BUGB's Declaration of Principle, Vision and Culture all inform our ethos as a Baptist church.

The Declaration of Principle

The three-part 'Declaration of Principle' forms the basis of understanding for all who belong to the Baptist Union and [*name of church*] affirms this declaration prayerfully and wholeheartedly:

1. That our Lord and Saviour Jesus Christ, God manifest in the flesh, is the sole and absolute authority in all matters pertaining to faith and practice, as revealed in the Holy Scriptures, and that each Church has liberty, under the guidance of the Holy Spirit, to interpret and administer His laws.
2. That Christian Baptism is the immersion in water into the Name of the Father, the Son, and the Holy Spirit, of those who have professed repentance towards God and faith in our Lord Jesus Christ who 'died for our sins according to the Scriptures; was buried, and rose again the third day'.
3. That it is the duty of every disciple to bear personal witness to the Gospel of Jesus Christ, and to take part in the evangelisation of the world.

Baptist Union of Great Britain Vision and Culture

BUGB is committed to intentionally developing a culture where we are "Growing healthy churches in relationship for God's mission". This means we:

Seek to be a movement of spirit led communities – As those who have encountered the living Christ, to intentionally seek his will and purpose for our local churches and every expression of our shared life. (Galatians 5:22-25)

Feel like one team – celebrating diversity; valuing, respecting and trusting each other as we work together in partnerships - making sure everyone feels included and listened to. (I Corinthians 12:24b-27)

Embrace adventure – being serious about discipleship, willing to take risks, pioneer and move out of the comfort zone of familiar ways of doing things. (Matthew 28:18-20)

Inspire others – with a generosity of spirit, to energise and motivate people to be all that God created them to be. (Ephesians 5:1 & 2)

Share a hunger for God's coming kingdom – nurturing a 'holy discontent' that arises from our desire to give practical expression to our vision of God's purpose for creation - confronting evil, injustice and hypocrisy and challenging worldly attitudes to power, wealth, status and security both within and beyond our Union. (Matthew 6:9 & 10)

3. Our Values and/or Vision Statement

As a church we have discerned these values and/or this vision statement specifically for our mission and ministry, complemented by the Vision and Culture of The Baptist Union of Great Britain.

[insert any Values and/or Vision Statements that have been locally discerned, and adopted by the church members' meeting, here.]

Statement of Beliefs

In recognition of the Baptist principle that each church has liberty, under the guidance of the Holy Spirit, to interpret and administer the laws of Jesus Christ, and following the ethos outlined above, [*name of church*] has discerned and agreed to hold to the following theological convictions.

Theological statements may be included here that relate to the protected characteristics outlined in the Equality Act 2010. For clarity, these are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. These statements may be relevant, for example, when the church is seeking to make appointments to certain paid roles within the life of the church. The roles must have a legitimate occupational requirement for the following theological principles to be applied – for more information see L09A and L09B at www.baptist.org.uk/resources/L09. The statements may also be relevant for the facilities, activities and services and membership your church provides and any restrictions around those.

You might like to consider the church's theological position on the following areas with reference to Biblical passages and these statements should be subject to review from time to time.

Women in Leadership¹

e.g. [] holds to the view that God created women and men equal in personhood and that He calls and equally affirms both men and women into a vast array of roles, including all forms of church leadership.

OR

¹ The Baptist Union Council has affirmed the ministry of women for over 100 years and is committed to gender equality in ministry. It is our firm desire that all churches seeking a minister will make their appointment regardless of the gender of the applicants.

e.g. [] holds to the view that whilst God created women and men equal in personhood, there are certain roles that God intends only for men. [] believes that the following positions of leadership in the church should only be held by men...{list positions here}

Sex and Gender

Currently, someone who identifies as gender fluid/non-binary is likely to be protected against discrimination under the law as well as someone who is proposing to undergo or has undergone gender re-assignment. There are likely to be further developments in the area of gender reassignment, which your church will need to keep under review. We have set out some suggestions below for options but please ensure that you have read L09E Equality law and your church: membership and leadership and also L09B Equality law and recruitment: the organised religion exception, which is cross referred to in L09E to understand this area of the law. These guidance notes are all available at www.baptist.org.uk/resources/L09 but will not provide legal advice specific to your circumstances. If your church wishes to develop a statement, we suggest that you seek independent legal advice.

e.g. [] holds to the understanding that the Bible teaches that God created man and woman and that a person's gender identity is God given and assigned at birth.

OR

e.g. [] acknowledges that while gender reassignment in and of itself is no barrier to participation in the life [and membership] of the church, on the basis that the Bible teaches God created man and woman and a person's gender is God given and assigned at birth, this theological position precludes transgender persons from being appointed to leadership positions in the life of the church.

OR

e.g. [] affirms and welcomes all members of the transgender community into the full participation of our life together at [].

Sexual Orientation & Same-Sex Marriage

e.g. [] holds to the understanding that the Bible teaches that homosexual orientation is sinful.

OR

e.g. [] holds to the understanding that while sexual orientation in and of itself is no barrier to full participation in the life of the church, sexual relationships can only be expressed in marriage which we recognise as being between a man and a woman. This theological position precludes those who are not celibate outside of marriage or those in a same-sex marriage from being appointed to leadership positions in the life of the church.

OR

e.g. [] holds to the understanding that a person's sexual orientation is God given and that marriage between two people, regardless of their gender, is a gift from God. We welcome all members of the LGBTQI+ community into the full participation of our life together at [].

Marriage & Divorce

e.g. [] holds to the understanding that neither divorce or remarriage are necessarily barriers to church leadership or full participation in the life of the church.

OR

e.g. [] holds to the understanding that there are legitimate biblical grounds for divorce (e.g. sexual immorality, abuse and neglect). Under these circumstances remarriage should not be a barrier to leadership or full participation in the life of the church.

OR

e.g. [] holds to the understanding that church leaders must be beyond reproach and that divorcing their husband or wife for any reason (except when this occurs before conversion into the Christian faith) makes them unsuitable for leadership or full participation in the life of the church.

Rather than addressing numerous theological areas individually as above, some churches may prefer to make a more general statement. This might be particularly appropriate if the church has agreed a statement of inclusion, an example of which follows below.

Statement of Inclusion

[*name of church*] holds that all people are loved by God and are invited into his Kingdom life. We are therefore called to become a church community where all are loved and are invited to belong.

We welcome everyone regardless of age, disability, ethnicity, gender identity, sex, sexual orientation, marital status, physical and mental ability, neurodiversity, education, class, economic status and political outlook to full participation in our life together.

Full participation includes all people, without exception, being eligible to participate in all areas of the mission and ministry of the church, including baptism, communion, church membership, child dedication, marriage, and all positions of leadership.

Our welcoming of everyone includes those who may struggle with our commitment to offering full participation to all, and calls each of us to graciously live together in the community of Christ regardless of our differences.

How we can help

The Baptist Union of Great Britain is available to help churches in membership of the Union with issues raised in these guidelines through the relevant departments at Baptist House on 01235 517700. Legal and financial questions should be directed to the Baptist Union Corporation either by referring to the website, www.baptist.org.uk, where a comprehensive range of leaflets is available or contact the offices on 01235 517700, fax 01235 517715 or email L09@baptist.org.uk. For formal legal advice the Union's solicitors are ready to offer their professional services. Please contact Anthony Collins Solicitors, 134 Edmund Street, Birmingham, B3 2ES on katherine.sinclair@anthonycollins.com.

This is one of a series of Guideline Leaflets that are offered as a resource for Baptist ministers and churches. They have been prepared by Anthony Collins Solicitors in conjunction with the Legal & Operations Team and HR Team and are, of necessity, intended only to give very general advice in relation to the topics covered. These guidelines should not be relied upon as a substitute for obtaining specific and more detailed advice in relation to a particular matter.

All of the guidance leaflets in this series can be accessed on our website at www.baptist.org.uk/resources/L09

The staff in the Legal and Operations Team at Baptist House will be very pleased to answer your queries and help in any way possible. HR advice is also available for churches. It helps us to respond as efficiently as possible to the many churches in trust with us if you write to us and set out your enquiry as simply as possible.

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