

# Tribunal to rule on Gay clergyman refused NHS chaplaincy job because he is in same-sex marriage

Posted: Tue, 16th Jun 2015

A Bishop stripped a Church of England clergyman of the licence needed to take a hospital chaplaincy job because he is in a same-sex marriage.

Canon Jeremy Pemberton has now taken his case to an employment tribunal and is arguing under the 2010 Equality Act that he was the victim of unlawful discrimination at the hands of the Church. The tribunal began on Monday 15 June 2015, and will continue for a week.

NSS campaigns manager Stephen Evans said: "There are numerous problems around how chaplaincy services are provisioned, but it is particularly troubling to see this apparently open discrimination applied to a job that is paid for by the taxpayer, supposedly to offer a service of spiritual care to all".

Canon Pemberton was blocked for promotion in 2014 and refused the documentation required to take a new job working as 'bereavement manager' for Sherwood Forest Hospitals NHS Foundation Trust. Despite the fact that NHS chaplains are funded by the taxpayer and not the Church, the Canon still required a licence from the diocese to move from his post into the new role. Owing to his marriage, the offer of the promotion was withdrawn.

When the offer was retracted in August 2014, Canon Pemberton [said](#): "I'm not going to bow out gracefully and take a low profile. I think this needs to be tested [legally] and I think in due course it probably will be somewhere."

He also commented that "there are ... quite a lot of gay and lesbian Church of England chaplains working in the health service."

In March, new guidance published by NHS England required hospitals to consider the needs of non-religious patients by making sure they had access to appropriate pastoral care- and it defined chaplaincy in broad terms, encompassing "non-religious pastoral and spiritual care providers who provide care to patients, family and staff."

The National Secular Society and the Secular Medical Forum [cautiously welcomed](#) the guidance at the time, and the Society has now reiterated the call it made then for a "truly secular system of chaplaincy".

Mr Evans added: "If someone is qualified to be a chaplain, they should not be disqualified because they are in a same-sex marriage or because of their sexual orientation.

"These kinds of problems will exist however, where the provision of chaplaincy support is explicitly religious and 'multi-faith'. If religious organisations want to provide support for people in hospitals, they should be free to do so. But it is not right that a taxpayer-funded post is denied to someone by the Church, because the applicant is in a gay marriage."

The BBC [reported](#) that "the Church will argue that its doctrine and pastoral guidance make clear that those in holy orders cannot enter into a same-sex marriage, as the Church still sees marriage as solely between a man and a woman."

When proceedings began, Church lawyers said Pemberton had contradicted Church teaching.

Canon Pemberton earlier said that in spite of the consequences, it was the "right thing to do" to marry his now-husband. He still works as an NHS chaplain in Lincolnshire.

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