

# Court rules C of E had right to block married gay man from NHS role

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The National Secular Society has called for the end of religious influence in NHS appointments after a court ruled that a bishop had the right to block a gay man's appointment.

The Court of Appeal ruled today that Canon Jeremy Pemberton was not discriminated against when a decision from the acting bishop of Southwell and Nottingham [prevented](#) him taking an NHS job in 2014.

Richard Inwood withdrew Pemberton's permission to officiate as an Anglican cleric, meaning he could not take up a position as a bereavement manager at Sherwood Forest Hospitals NHS Trust in Nottinghamshire. Pemberton was in a same-sex marriage, which Inwood said was against the church's teachings.

The appeal judge cited the Church of England's exemption under schedule 9 of the Equality Act. The exemption allows it to discriminate on the basis of sexuality if it contravenes its teaching.

Lord Justice Underhill said: "If you belong to an institution with known and lawful rules, it implies no violation of dignity and it is not cause for reasonable offence that those rules should be applied to you, however wrong you may believe them to be. Not all opposition of interests is hostile or offensive."

NSS chief executive Stephen Evans said the decision highlighted "the need for change on several fronts".

"It beggars belief that religious groups should have the legal authority to prevent staff working in positions in the publicly-funded NHS at all. And it's particularly appalling that the established Church of England can do so to people because they're married to someone of the same sex.

"This case shows the need to end religious chaplaincy in the NHS and to reconsider the Church of England's exemption from equality laws. NHS staff should be appointed to serve us all, rather than because they fulfil a religious role."

The NSS campaigns for the [end](#) of religious hospital chaplaincy, which costs the NHS over £23m per year.

After the case Pemberton said: "The Church of England has established through this process that it can continue to discriminate legally against some LGBT people in relation to their employment, even where that employment is not within the boundaries of the church's jurisdiction."

He also lost an appeal against an employment tribunal in 2016. The ruling in that case said he "was aware his marriage would be seen in conflict with the teachings of the church" and "would never have been in this position had he not defied the doctrine of the church".

"In getting married to his partner, he was flying in the face of the clear restating of doctrine in relation to same-sex marriage," it added.

After the latest ruling a spokesperson said the Southwell and Nottingham diocese was "pleased that the court has upheld the decision made with regards to the employment tribunal".

Pemberton has also worked as a hospital chaplain in Lincolnshire.

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