Is it discriminatory to dismiss a Christian for standing by her paedophile husband?

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Is it discriminatory to dismiss a Christian for standing by her paedophile husband?

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It was indirectly discriminatory on grounds of religion to dismiss a Christian teacher who refused to break her marriage vows and leave her husband, who had been convicted of child sex offences.

Mrs Pendleton was employed from 2001 as a teacher at a junior school and is a practicing Anglican Christian. Her husband, the head teacher of an affiliated junior school, was arrested in January 2013 on suspicion of voyeurism and downloading indecent images of children. It was alleged that he had used a camera hidden in his pen to take pictures of boys in a state of undress in his school's changing rooms. Mrs Pendleton expressed the view that, given her beliefs in the sanctity of her wedding vows, she would continue to support her husband so long as he showed unequivocal repentance for his actions.

Mrs Pendleton's school acknowledged, after an investigation, that, prior to his prosecution, she knew nothing of her husband's offences. Despite this, Mrs Pendleton was told in April 2013 that it would be inappropriate for her to return to her job if she continued to support her husband in the event he was charged, which he later was. The school commenced a disciplinary investigation to consider whether Mrs Pendleton's refusal to leave her husband damaged the school's trust and confidence in her safeguarding abilities as a teacher. Mrs Pendleton was suspended from work a month after her husband began a 10-month prison sentence and, following a disciplinary hearing, she was dismissed. Mrs Pendleton brought claims for unfair dismissal and indirect religious discrimination.

The Employment Appeal Tribunal held that, by having a policy of dismissing those who do not leave spouses who are convicted of making indecent images of children and voyeurism, the school had indirectly discriminated against Mrs Pendleton on the basis of her Christianity. Whilst anyone in Mrs

Pendleton’s situation would be at a disadvantage when being asked to end a relationship with their partner, there is an additional difficulty for those with Christian beliefs in the sacrosanct nature of wedding vows made before God.

Pendleton v Derbyshire County Council and the Governing Body of Glebe Junior School UKEAT/0238/15

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