

risk to children. The court went on to consider the possibility of adults accessing pornography and ruled that to bar something which will be of benefit to the public generally because there was a risk that some will be able privately to access material that many Christians and others deplore is to take an unbalanced approach. A more balanced approach would be for Christians to work in conjunction with others at improving standards of sexual morality in society generally. The court granted the faculty, subject to conditions, *inter alia*, that the company should apply a filter by default on Internet content identified to the operator as unsuitable for customers under 18. [JG]

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### **R (on the application of Playfoot) v Governing Body of Millais School**

High Court: Michael Supperstone QC, July 2007

*School uniform – freedom of religion – ‘silver ring thing’*

The applicant, a student of Millais School, sought judicial review of the decision of the school’s governing body not to permit her to wear a ‘purity’ ring as a symbol of her Christian commitment to celibacy before marriage. She maintained that the school’s prohibition of jewellery breached her right under Article 9 of the European Convention on Human Rights to manifest her religious belief of abstinence before marriage through the wearing of a ring, known as the ‘silver ring thing’.<sup>2</sup>

Though reminiscent of the earlier case of *R (on the application of Begum) v Head Teacher and Governors of Denbigh High School* [2007] 1 AC 100, concerning the wearing of a jilbab in school, the present case dealt more directly with the question of what constitutes a ‘manifestation’ of a belief under Article 9. The court found there to be no manifestation of belief in this instance, as the wearing of the ring was not ‘intimately linked’ to her belief in chastity before marriage. The applicant conceded that she was under no strict obligation to wear the ring but merely felt compelled to wear it. The judge held that there was no interference with the applicant’s Article 9 right, as she voluntarily accepted the uniform policy, the prohibition of jewellery being well known. Nonetheless, it was further contended by counsel for the applicant that the ring was not jewellery but constituted a religious artefact and was not covered

2 The SRT Group, which operates as a not-for-profit corporation, was founded in the USA as a means of educating mainly teenagers on the benefits, spiritual or otherwise, of sexual abstinence until marriage, through evangelical Christian messages. On successful completion of the ‘SRT434’ educational programme, candidates are offered the chance to purchase a silver ring as an outward sign of their inner commitment, but with no obligation to wear the ring whatsoever. See <<http://www.silverringthing.org.uk/FAQShow.asp?ID=14>>, accessed 13 October 2007.

by the uniform policy. This claim was rejected on the grounds that, whatever the ring was meant to symbolise, it was still undeniably a piece of jewellery, and that the applicant was not obliged to wear it. Both the school and the applicant noted that alternative means of manifesting this belief pursuant to school rules were available to pupils (eg, key-chains, badges, etc) without undue hardship or inconvenience; they also noted the active encouragement by the school for the applicant to discuss her beliefs during PSHE class. The school's uniform policy did make necessary concessions where strict adherence to the policy would constitute an unlawful breach of the human rights of a pupil. Most relevantly, the school permitted two Sikh girls to wear the *kara* bracelet prescribed as an essential requirement of the Sikh religion. Accordingly, the school's uniform policy was prescribed by law, proportionate and promoted legitimate aims.

The applicant further alleged that her Article 14 rights (prohibition of discrimination) were breached because specific exceptions allowed for Islamic headscarves, hijab and Sikh *kara* bracelets, with no analogous accommodation for Christianity. The court found no evidence to support this claim, as all exceptions to the uniform policy were arrived at through carefully reached decisions on each occasion. This included an exception for a Christian girl to wear a headscarf pursuant to her obligations as a member of the Plymouth Brethren.

*Case note supplied by Jeremy A Brown*

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## **Reaney v Hereford Diocesan Board of Finance**

Cardiff Employment Tribunal, July 2007

*Employment – discrimination – sexual orientation*

The claimant applied for the post of Diocesan Youth Officer, was short-listed and interviewed for the post. In his application and in the interview, he disclosed that he was homosexual and had been in a same-gender relationship, which had recently ended, and that he did not intend to enter into a fresh one. He was unanimously selected as the best candidate for the post 'by a long way' and he was told that he would be recommended for the post, subject to the bishop's approval. The bishop made it clear to the panel that he considered the claimant's lifestyle a serious impediment to the post. The bishop interviewed the claimant. During the interview, the claimant assured the bishop that he would remain celibate, but if he were to meet someone he would speak to the bishop. The interview continued in relation to issues of human sexuality. The bishop was concerned about the claimant's attitude being affected by the raw emotion of the end of his relationship and his