

Latest news of significant individual cases

The following are summaries of the story so far in some of the significant recently-resolved or still unresolved cases involving Christians responding to a wide range of legal, police or disciplinary action against them. Seeking a remedy by means of litigation can be a lengthy process – sometimes taking several years for a closure to be reached. All cases mentioned except the first are being handled by the Christian Legal Centre.

Ashers Baking Company

On 1 and 2 May, the UK Supreme Court heard Ashers' appeal against earlier judgments which found that the company had discriminated on grounds of sexual orientation and political opinion in refusing to ice a cake bearing the slogan "support gay marriage".

The case continues to raise significant issues regarding compelled speech and freedom of thought, conscience and religion. The free speech issues have been given greater focus because of the intervention of the Attorney General for Northern Ireland in the case. The Supreme Court is expected to give judgment later in the year. (*The Christian Institute*)

Transgenderism

Joshua Sutcliffe

Popular Christian maths teacher, Joshua Sutcliffe, was disciplined by his school for "misgendering" a student, after telling a group of students "well done, girls" when one of them "identified" as a boy.

Since the pupil started at the school, Joshua has tried to balance his sincerely held Christian belief that biological sex is God-given and defined at birth, with the need to treat sensitively the pupil. He avoided the use of gender-specific pronouns, and instead referred to the pupil by the pupil's chosen name. Joshua admits saying "well done, girls" when he addressed a group of students including the pupil in question. The pupil became irate at this and Joshua sought to defuse the situation and apologised.

He was reported by the pupil's parents and an investigation began immediately, during which Joshua was placed in "isolation" in the staff room and prevented from teaching. Following the school's investigation, it was found that Joshua "misgendered" the pupil, "demonstrating discriminatory behaviours" and "[contravened] the school's equality policy".

The Christian Legal Centre is currently supporting Joshua in his application to the Employment Tribunal.

Nigel and Sally Rowe

A couple on the Isle of Wight have removed their children (aged 6 and 8) from a Church of England primary school pending legal review of the school's handling of another pupil's request to be recognised as "transgender".

Nigel and Sally Rowe received what they describe as a "cold and shockingly inappropriate" response to concerns they raised about two primary school children "transitioning gender" at the school. The couple described the decision to remove their children as necessary to safeguard their wellbeing, with the diocesan education board saying that failure to acknowledge "a 'transgendered person's true gender" (i.e. their new gender) would be "transphobic behaviour".

The couple, who actively supported the school and helped to lead assemblies, describe the step as "deeply painful and very reluctantly taken." They feel they cannot return their children to the school until there is a satisfactory resolution and believe their only hope of reaching it is to launch legal action, challenging the school's behaviour and the legitimacy of national guidelines. They believe the "aggressive new gender

ideology that is being rolled out across the education system is to the detriment of children's best interests."

With the assistance of Dr Paul McHugh, Professor of Psychiatry at the Johns Hopkins University, and CLC, Nigel and Sally are currently preparing to challenge the school's policy by raising a complaint against the Secretary of State for Education.

"Bethany"

A Christian family feared that unless they allow their then 14-year-old daughter "Bethany" to change her name to "Gary", (names changed) she might be taken into foster care.

The family became embroiled in a battle with social services concerning their daughter, who, within a few months of attending a new school after being home educated, started to dress as a boy and decided that she wanted to be called Gary.

The parents were originally told that their refusal to allow the name change was tantamount to "neglect", but the Christian Legal Centre worked with the family to seek the best professional support for Bethany. CLC commissioned a report from a Christian psychologist, which differed considerably from the views expressed by Social Services. His conclusion was that she was suffering from depression and he found it difficult to understand why she was not being treated accordingly.

Things steadily improved and the relationship between parents and daughter normalised, but the family were concerned when just before Bethany's 16th birthday they were contacted by Child and Adolescent Mental Health Services (CAMHS) again. They insisted that Bethany be assessed by a child psychiatrist as there was an increased statistical risk at this age of self-harm and suicide. The parents were anxious about this development but were much relieved to discover that a different medical professional was now involved in her case. The report from this new psychiatrist concluded that in view of her improvement, she needed to be seen just once more, before being released from the care of CAMHS.

That final appointment has now passed and there is no further need for CAMHS or Social Services to be involved. The mother summed up the family's position by simply saying "Praise God".

Religious Freedom at Work and in Education

Pastor Paul Song

Pastor Paul Song was a volunteer Chaplain at Brixton Prison. During his 19 years' service he taught various Christian courses including "Alpha" and "Just 10". His courses were so popular that, even with a capacity of 80 prisoners per course, he still had a waiting list. During this time, he saw many inmates come to faith.

Paul's relationship with the prison was always good until the appointment in 2015 of a Muslim Imam as Senior Chaplain. The Imam told Paul his material was "too radical" and that he wanted to "change the Christian domination" at the prison. These allegations led to Paul being excluded from the prison. With the assistance of the Christian Legal Centre (CLC), Paul is challenging the decision to exclude him from the prison.

In light of pressure having been brought to bear, Her Majesty's Prison Service has agreed to conduct an investigation into the circumstances surrounding Paul's exclusion. Paul is awaiting the outcome of this review before considering what to do next.

Richard Page

Richard served as a magistrate in Central Kent for 15 years. In July 2014, he dissented from the decision of two co-magistrates to approve the adoption of a child by a same-sex couple. During a closed-door discussion with his colleagues, Richard said that it was in the best interests of the child to be raised by a

mother and a father. A series of “investigations” ensued, following which the Lord Chancellor and the Lord Chief Justice ordered that Richard be removed from the magistracy, saying that he had been influenced by his religious beliefs and that this amounted to serious misconduct. Richard was ordered to go on “re-education” training.

At the Employment Tribunal in February Richard was unsuccessful in his attempt to challenge the decision of the Lord Chancellor and the Lord Chief Justice. During these proceedings, the opposing barrister labelled Bishop Michael Nazir-Ali and Christian Concern as “extremists” and criticised Richard for becoming associated with them.

The Christian Legal Centre is helping Richard to appeal this decision and he is currently waiting to hear whether permission to appeal has been granted.

In a separate action, the NHS reacting to the reporting of Richard’s removal as a magistrate, refused to extend his term as a non-executive director of the local NHS Trust because of his “discriminatory” views.

At a preliminary hearing at the Employment Tribunal in January 2017, the judge described Richard Page’s case as “crying out to be heard”. A full hearing took place at the Employment Tribunal from 1-4 August, following which Richard’s claim to be reinstated was rejected.

In obiter, the judgment noted that “Had the belief relied on by the Claimant been... that ‘homosexual activity’ is wrong then the tribunal may well have concluded that this was not a belief that was worthy of respect in a democratic society”.

CLC is continuing to support Richard in this matter and the appeal will be heard in July 2018.

Felix Ngole

Felix Ngole was studying at the University of Sheffield on an MA Social Work course. In a Facebook discussion about the marriage registrar, Kim Davis, who refused to register same sex weddings, Felix posted bible verses and comments to demonstrate the Bible’s teaching on sexual ethics and marriage. An anonymous complaint was made about Felix’s comments and Felix was investigated by the University.

Felix was removed from his course because his comments may have caused offence and his subsequent appeal was dismissed. The University’s decision prevents him from pursuing his desired profession as a social worker and highlights their very concerning position that only certain views about sexual ethics are acceptable.

Felix challenged the University’s decision by submitting a complaint to the Office of the Independent Adjudicator which was rejected.

With the support of the Christian Legal Centre (CLC), he then appeared in the High Court in late April 2017 to seek permission for a judicial review of the decision to expel him from his University. Felix was granted such permission, and his case was heard in full on 3-4 October.

While noting that the university’s sanction “was indeed severe”, and that there had been no evidence of Felix acting in a discriminatory fashion, the Tribunal found against him on the basis that the posts could be accessed and read by people who would perceive them as judgemental... or suggestive of discriminatory intent, and it was reasonable to be concerned about that perception.

The ruling has a deeply concerning impact on freedom of expression, and flies in the face of the government’s expressed intention to promote free speech at universities.

CLC has submitted an appeal and are waiting for a hearing date.

Sarah Kuteh

Sarah began working for the NHS Trust in 2007, and initially served as a Senior Staff nurse for 5 years in the intensive care department, before being promoted to Sister. In January 2016 she was assigned a position in the pre-operation assessment department.

Her role included taking patients through a pre-op assessment questionnaire, covering various topics including the patient's contact details, their health, allergies to medication, and their GP's details. The questionnaire also asked about the patient's religion, as this may have informed their future treatment.

Many patients expressed their beliefs in the questionnaire, and, on occasion, Sarah would enter into discussions with them about their faith. Where the patient said that they were not interested in religion, she would ask, where appropriate, how they had arrived at their decision. Depending on the patient's demeanour and their willingness to talk about religion, she would also sometimes share briefly about how her faith had changed her life.

Following a short investigation, during which Sarah was unable to quiz the witnesses who had made complaints, the hospital dismissed her in August 2016 for gross misconduct, a penalty which she believes is completely disproportionate and punitive.

Supported by the Christian Legal Centre, Sarah filed a claim for unfair dismissal in the Employment Tribunal. The Employment Tribunal dismissed Sarah's claim and her case was appealed to the Employment Appeal's Tribunal who upheld the original decision. Permission to appeal to the Court of Appeal has been sought.

In a separate matter, a hearing took place in the Nurses and Midwifery Council from 8 – 11 January 2018 to determine whether Sarah should continue practising as a nurse. The NMC found that Sarah's fitness to practice was impaired and issued her with a conditions of practice order.

Sarah has since secured another job as a nurse and a hearing is set for 26th July 2018 to consider whether the conditions of practice order should be extended.

Sharn Ashridge

Sharn Ashridge has worked as a supply teacher for over five years at numerous schools.

On 16th February 2017, she was teaching an RE lesson to Year 10 class. The topic was "Christians helping the Poor". On discussing the background of Mother Teresa, there was a line about how her Christian faith led her into this work to spread the Gospel. Sharn touched on the meaning of "Gospel", and then on explanatory doctrines such as "Sin, Jesus' death on the Cross, Heaven and Hell".

Sharn was asked what Sin was, and explained about it being to "miss the mark/standard set by God". One female student then asked about Sharn's views on same-sex marriage, and Sharn gave what she clearly said was her personal opinion that "the Bible calls homosexuality an abomination, wickedness and unnatural", and it was one of the reasons God destroyed Sodom and Gomorrah.

She then went on to talk about other sins to which she concluded by quoting the Bible "all have sinned and fallen short of the glory of God". She was asked if she hated homosexuals, to which she replied no.

After the class, two members of staff questioned Sharn about her comments on homosexuality and demons. The deputy Head ordered that Sharn be dismissed immediately.

Sharn is being supported at the Employment Tribunal by the Christian Legal Centre.

Right to Life (Assisted Suicide)

Nikki and Merv Kenward

Nikki and Merv Kenward, who campaign against euthanasia and assisted suicide, have been seeking to challenge the decision of the Director of Public Prosecutions to change the policy on the prosecution of healthcare professionals who assist patients in committing suicide.

In October 2014, the DPP amended the policy, making the prosecution of healthcare professionals in assisted suicide cases less likely.

In response, the Kenwards sought to challenge the decision, arguing that the DPP acted outside of her powers by liberalising the policy and that this would endanger many vulnerable people. However, in December 2015 the High Court ruled that the DPP had acted lawfully and thus the Kenwards' application was refused.

The Kenwards appealed to the Court of Appeal for permission to appeal the High Court's decision. This application was initially refused, though the Kenwards were granted permission for an oral hearing which took place at the Court of Appeal in January 2017.

Lord Justices Longmore and Kitchin heard the Kenwards' appeal application, but unfortunately refused permission for the appeal to go ahead. A costs order was made against the Kenwards, though the Christian Legal Centre are planning to file an ECHR application on the grounds of discrimination.

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