

## 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 these cases are being handled by the Christian Legal Centre.*

### **Bernard Randall**

Rev. Dr Bernard Randall, who is ordained in the Church of England and is a former chaplain of Christ's College, Cambridge, is taking Trent College to court for discrimination, harassment, victimisation and unfair dismissal after the school initially reported him to the government's terrorist watchdog and subsequently sacked him for giving a sermon that encouraged respect and debate on 'identity politics'.

In June 2018, the independent school, which has a 'protestant and evangelical' Church of England ethos, invited the leader of Educate and Celebrate, Dr Elly Barnes, into the school to train staff. 'Educate and Celebrate' claims to 'equip you and your communities with the knowledge, skills and confidence to embed gender, gender identity and sexual orientation into the fabric of your organisation'. Dr Barnes openly declares that the ethos of Educate and Celebrate is to 'completely smash heteronormativity, that's what we want to do' – 'heteronormativity' being the belief that a heterosexual relationship between a man and a woman is what is normal.

Rev. Dr Randall, whose job description declared his role to 'be the particular voice and embodiment of ... Christian values which are at the heart of Trent's ethos', was alarmed when, during the training, Dr Barnes instructed staff to chant 'smash heteronormativity'.

Dr Randall raised concerns but was assured by the headteacher that he would be involved in any decision-making process on whether the school would implement Educate and Celebrate's programme because of potential clashes with Christian beliefs and values.

In January 2019, at the next staff training day, Dr Randall was stunned to find out that the school had decided to adopt their year-long 'gold standard' programme. This would see an identity politics 'LGBT inclusive curriculum' implemented, even for the nursery provision at the school. When Dr Randall asked why he had not been included in discussions, he was told that it was because he 'might disagree'.

After asking students what subjects they would like to hear in his sermons during the summer term Christian chapel services, Dr Randall was approached by a student who asked him whether he would address the following: 'How come we are told we have to accept all this LGBT stuff in a Christian school?' He had also been approached by pupils who had said that they were confused and upset by the issues involved in the new LGBT teaching.

Delivering the sermon in the school's chapel entitled 'Competing ideologies', Dr Randall moderately and carefully presented the Christian viewpoint on identity questions, encouraged debate and stressed that no protected characteristic is more protected than another. He explained that for Christians, where there is disagreement, it is vital to love your neighbour, leaving no room for personal attack or abusive language towards anyone. Presenting the Church of England's biblical position on marriage and human nature, he emphasised that children at the school were not compelled to 'accept an ideology they disagree with'. Rather, he encouraged the students, aged

from 11 to 17, to debate and make up their own minds on the issue. The sermon was part of a service which also included hymns, prayers and a Bible reading.

The following week, he was pulled into a meeting with the Deputy Head and the school's Designated Safeguarding Lead (DSL). In a hostile interrogation, Dr Randall was told that his beliefs were not relevant and did not matter, and that the sermon had hurt some people's feelings and undermined the School's LGBT agenda. He was also told it was 'offensive' to describe Elly Barnes as an 'LGBT activist', despite her describing herself as a 'DIVA Activist of the Year' on her Twitter profile at the time.

During the interrogation, Dr Randall was asked what the sources of Church teachings were. For the beliefs on marriage, sexuality and gender, he pointed to the Church of England's public liturgy, especially the Book of Common Prayer, and Canon law. Nonetheless, Dr Randall was immediately suspended, pending an investigation. The DSL began the process of reporting Dr Randall, without his knowledge, to the government's counter-terrorism watchdog, Prevent, as a potentially violent religious extremist. He was also reported him to the Local Authority Designated Officer (LADO) as a danger to children, which is the same point of contact for reporting concerns over paedophilia.

On 1 July 2019, an officer from the Prevent force replied to the DSL saying that the sermon posed no counter-terrorism risk, however, he gave his personal opinion that the sermon 'was wholly inappropriate for a school, and society in general'. Following an investigation and disciplinary hearing, Dr Randall received a letter on the 30 August 2019 stating that the headmaster had concluded that his actions had amounted to gross misconduct and that he would be dismissed. On appeal, his sacking was overturned by the school's governors, but he was given a final warning instead.

Dr Randall was provided with 20 conditions that he had to comply with regarding any future sermons. Open censorship of his sermons followed. Within the 20 conditions he had to comply with, he was banned from broaching, 'Any topic or express any opinion (in Chapel or more generally around School) that is likely to cause offence or distress to members of the school body'. It also stated that: 'You will not publicly express personal beliefs in ways which exploit our pupils' vulnerability.'

He was told that every theme and piece of sermon content had to be approved by school leadership in advance and that a staff member would observe to ensure each stipulation was met. When the country went into lockdown in March 2020, Dr Randall was immediately furloughed. As restrictions eased, the school refused to reinstate his timetable, planned to reduce his full-time hours to seven hours per week, and was eventually made redundant by the headteacher on 31 December 2020. His case was due to be heard in June 2021, but as a result of failings by the school's lawyers, the case has had to be adjourned until September 2022.

### **Dr David Mackereth**

Dr David Mackereth had been an A&E doctor for 26 years in the NHS. He lost his job doing assessments for the Department for Work and Pensions (DWP) when he admitted that he would be unable to identify clients by their chosen gender instead of their biological sex. Dr Mackereth maintained that using 'transgender pronouns' was against his conscience as a doctor and a Bible-believing Christian. In response, the DWP declared that failing to accommodate clients' preferences would amount to 'harassment' under the Equality Act and dismissed Dr Mackereth from his role as a Health and Disability Assessor.

Dr Mackereth took his case to the Employment Tribunal where the Christian Legal Centre's Michael Phillips, argued that the DWP discriminated against Dr Mackereth because of his Christian beliefs, including: 'His belief in the truth of the Bible, and in particular, the truth of Genesis 1:27: "So God created man in His own image; in the image of God He created him; male and female He created them." It follows that every person is created by God as either male or female. A person cannot change their sex/gender at will. Any attempt at, or pretence of, doing so, is pointless, self-destructive, and sinful.'

The DWP's case against Dr Mackereth, however, claimed that his belief in Genesis 1:27 was not a belief protected by the Equality Act 2010 and was a 'mere opinion'. During proceedings in July 2019, Dr Mackereth said that he was asked in a conversation with his line manager, James Owen, 'If you have a man six foot tall with a beard who says he wants to be addressed as 'she' and 'Mrs', would you do that?' Dr Mackereth explained to the tribunal that he had been told he was 'overwhelmingly likely' to lose his job unless he agreed. In an email exchange with Mr Owen Dr Mackereth was told, 'If however, you do not want to do this, we will respect your decision and your right to leave your contract.' Dr Mackereth replied: 'I am a Christian and in good conscience cannot do what the DWP is requiring of me.'

Dr Mackereth gave evidence that he did not resign his position and was the victim of direct discrimination and harassment. He argued that he was dismissed 'not because of any realistic concerns over the rights and sensitivities of transgender individuals, but because of my refusal to make an abstract ideological pledge'.

In his judgment, Employment Judge Perry put 'transgender rights' ahead of Christian freedoms and in effect forced Christians to use compelled speech to avoid offending those who believe in gender-fluidity. The judge found that Dr Mackereth 'holds to the principles of the Great Reformation of the 16th Century including a commitment to the supremacy of the Bible as the infallible, inerrant word of God as his final authority in all matters of faith and practice.' That includes his belief in the truth of Genesis 1:27, and the logical consequence: scepticism about transgenderism and refusal to use transgender pronouns.

The judge ruled that 'belief in Genesis 1:27, lack of belief in transgenderism and conscientious objection to transgenderism in our judgment are incompatible with human dignity and conflict with the fundamental rights of others, specifically here, transgender individuals.' He continued that, 'in so far as those beliefs form part of his wider faith, his wider faith also does not satisfy Grainger [the requirement of being worthy of respect in a democratic society, not incompatible with human dignity and not in conflict with the fundamental rights of others].'

If left unchallenged, this ruling has profound ramifications, as it excludes foundational Christian beliefs from the protection of human rights and anti-discrimination law. By holding a belief in the Bible to be 'not worthy of respect in democratic society' places it on a par with racist and neo-Nazi ideologies.

The appeal to the Employment Appeal Tribunal, listed for October 2021 has now been postponed until March 2022 as the judge appointed to hear the case was unwell.

### **Dr Dermot Kearney**

Dr Dermot Kearney is an experienced medical consultant and former President of the Catholic Medical Association (UK). He was providing emergency abortion pill reversal treatment for women

who have taken the first abortion pill. Many women experience strong regret immediately after taking the pill and search out for help on the internet.

Dr Kearney has been blocked from providing the abortion reversal pills for up to 18 months while an investigation takes place. It is believed to be the first time a medical doctor has been prohibited from providing a treatment that saves lives.

The emergency abortion rescue service is provided to women who regret taking the first of two abortion pills, Mifepristone, which usually kills the baby, and want to try to save their pregnancies. Using the natural hormone progesterone inhibits the effects of Mifepristone, and the latest evidence suggests that the success rate in abortion pill reversal can be as high as 68% if treatment is started within 72 hours.

When women attend an abortion clinic in several states in the US, they are generally told that abortion reversal is possible after taking the first pill, whereas in the UK women are often told the pregnancy cannot be saved after taking this step.

Since the introduction of the government's DIY home abortion telemedicine service there has been a spike in women, often vulnerable and without access to proper medical care, quickly regretting taking the first abortion pill and seeking urgent help.

Several women have spoken out in support of Dr Kearney, including women who very grateful to have given birth to a healthy baby after taking the abortion pill reversal treatment. Their testimonies show that this treatment is highly valued and needed and is indeed life-saving.

On 12 May an Interim Orders Tribunal imposed restrictions upon Dr Kearney's practice. Despite the safe delivery of a significant number of babies who would otherwise have been terminated, Dr Kearney was told inter alia, that 'He must not prescribe, administer or recommend progesterone for abortion reversal treatments'.

This decision was upheld as a further Interim Orders Tribunal in August 2021 and a review of the conditions is due in the New Year.

### **Nigel & Sally Rowe**

Nigel and Sally Rowe are bringing a challenge to their sons' former Church of England primary school after being told that 'misgendering' a child could be considered a form of bullying. When a six-year-old boy in their son's class started to come to school sometimes dressed as a girl, Nigel and Sally Rowe, who live on the Isle of Wight, raised concerns with the Church of England school. They say that their son, also six years old, came home from school upset and saying that he was 'confused' by the situation.

Nigel and Sally met with the headteacher and class teacher, and followed up with a letter setting out some of the questions that they had. But the school's formal response was 'cold', they say, and didn't address their concerns. In the letter, the school suggested that an 'inability to believe a transgender person is actually a "real" female or male' and the refusal to 'acknowledge a transgendered person's true gender e.g. by failing to use their adopted name or using gender inappropriate pronouns', was 'transphobic behaviour'

The policies adopted by the school were originally published in 2015 as the Cornwall Schools Transgender Guidelines, and have since been held up as best practice by other schools and local authorities, and even the Department for Education.

Nigel and Sally, who are currently home-schooling their two children, are now pursuing a judicial review over the Department for Education's refusal to intervene in their case and its promotion of the transgender guidelines in primary schools. In support of their challenge, Nigel and Sally have sought opinions from three eminent experts, Dr Paul McHugh MD, Dr Quentin Van Meter MD FCP and Graham Rogers. Copies of their expert opinions can be found at <https://christianconcern.com/cccases/nigel-and-sally-rowe/>

### **The Bristol Four**

Four Christian preachers have won the right to appeal a judgment that ruled they had been lawfully arrested for preaching in Bristol City Centre. The four preachers – Mike Overd, Don Karns, Mike Stockwell and AJ Clarke – had originally brought claims against Avon and Somerset police for assault, false imprisonment and infringement of their Human Rights.

The case raises significant issues on the right to freedom of speech and the freedom of Christian preachers in the UK to manifest their religious beliefs and to have the right to freedom of assembly in public. The appeal will be heard by a High Court Judge sitting at the Bristol Court Centre this Thursday 21 October and Friday 22 October. At the centre of the case is a dramatic incident captured on body cam video footage revealing the shocking arrest of Mr Overd on 6 July 2016. The four preachers had been preaching on Christian beliefs, sin and life after death. On a number of occasions the preachers engaged with hecklers, and, over time, a large crowd gathered to listen. However, during the course of the preaching, a few within the crowd turned volatile, which was primarily due to the behaviour of known criminals who began to intimidate and shut down the preachers. Instead of dealing with abusive and threatening members of the crowd, on arrival, police officers arrested all four preachers on the basis of the reports that members of the public had been 'offended' by the preaching.

In the video footage, the arresting officer, PC Phillipou, said to Mr Overd after his arrest: 'There is a line of freedom of speech ... you were aggravating people ... challenging homophobia ... challenging Muslims...' Mr Overd is heard to say, 'We were just saying what the Bible says', to which the officer replied, 'That's fine'. Mr Overd then asked, 'Then why have you arrested me?' The recording shows the officer admitting that he did not know why Mr Overd had been arrested and had to call colleagues for answers.

The four preachers were eventually acquitted of all charges and launched a civil action against the police for damages. After their case was heard in December 2020, Judge Ralton commented: 'There is the tension between freedom of expression on the one hand and harassment, alarm and distress caused by the expression.' He concluded that he had sympathy with both the street preachers and the police, but ultimately ruled that officers had not acted unlawfully when they arrested, and detained the preachers. Therefore he dismissed the preachers' claims.

Judge Ralton's decision was appealed to the High Court, where Mr Justice Henshaw granted permission, ruling, 'Seems to me that the Claimants have a real prospect of success on their contention that the very limited second-hand information which the arresting officers had about the actual contents of the Claimants' speeches ... did not provide grounds for reasonable suspicion that the Claimants were committing or had committed a racially or religiously aggravated public order offence.' He added: 'Rather than this being a case of the Claimants' speech being so provocative that

members of the crowd might “without behaving wholly unreasonably” be moved to violence (Redmond-Bate), the main problem lay with a number of audience members already known to be dangerous who were themselves liable to instigate unlawful violence.’

Ahead of the hearing, Mr Overd commented: ‘We are very pleased that the judge has given us permission to appeal. The police must be held to account for their actions. The freedom to preach the message of the gospel on the streets of the UK to the lost is one of our fundamental rights in this country. If we lose that right, we will begin to lose every other freedom.’

The appeal was heard on 21 & 22 October 2021 and judgment reserved.

### **Mary Onuoha**

Supported by the Christian Legal Centre, Christian nurse Mary Onuoha is challenging her former hospital after being forced out of her job because she refused to remove her small, gold cross necklace, which she had worn for 40 years as a symbol of her deep Christian faith. Mary was told that the necklace was a health and safety risk and ‘must not be visible’, however no good reason has been shown as to why Mary’s cross is a risk, and people of other faiths and none are allowed to wear jewellery, lanyards, saris, turbans and hijabs without incident.

Mary commented: ‘This has always been an attack on my faith. My cross has been with me for 40 years. It is part of me, and my faith, and it has never caused anyone any harm. All I have ever wanted is to be a nurse and to be true to my faith. I am a strong woman, but I have been treated like a criminal. I love my job, but I am not prepared to compromise my faith for it, and neither should other Christian NHS staff in this country.’

Mary’s case was heard at the South London Employment Tribunal from 3-13 October 2021. Judgment has been reserved.