

Appendix 1: Outline of some Christian Legal Centre Clash of Rights cases

Gary McFarlane

Case Summary

Gary McFarlane, an experienced relationships counsellor, indicated during a training course that, on account of his Christian faith, he might have a conscientious objection to providing sex therapy to a same-sex couple, if the situation ever arose. As a result, he was dismissed for gross misconduct for discrimination on the grounds of sexual orientation, despite the fact that the issue involved a hypothetical scenario.

Case details

- In the case, there was no danger of anyone actually being denied a service to which they were entitled; neither was there any danger of a situation arising where they would be.
- There was ample supply of other employees who were willing and able to provide the required service, without causing any undue logistical or financial burden to fall on the employer.
- The religious convictions and conscientious objections of Mr McFarlane could have been respected without unreasonable burden on their employers or any actual detriment to the service offered. He could have been accommodated and was prepared to be flexible.
- It was not necessary to remove Mr McFarlane from his job in order for the organisation to achieve the public service that they either wished or were obliged to provide.
- This lack of necessity highlights the issue of the compulsion to adopt a certain viewpoint that stands in contrast to the principle of freedom of thought, conscience and religion.

Outcome

UK Courts: The Employment Tribunal rejected Mr McFarlane's case for religious discrimination, suggesting that beliefs about marriage as between a man and a woman were not a core component of the Christian faith, and so, not protected. The decision was upheld by the Employment Appeal Tribunal and Court of Appeal.

European Court of Human Rights: The ECHR said that beliefs about marriage and sexual ethics were a part of Mr McFarlane's Christian identity, and so were in principle protected.

It held that there had been an infringement of Mr McFarlane's rights under Article 9 of the European Convention on Human Rights (freedom of thought, conscience and religion). But it ruled that it was necessary to restrict his freedom in order to protect the freedom of others, and that the UK courts had acted within the "margin of appreciation" (discretion) given to national courts.

Sarah Mbuyi

Case Summary

- Sarah Mbuyi, a Christian nursery nurse, was sacked for gross misconduct from her job in Newpark Childcare in Highbury, London after explaining the Bible's teaching on homosexuality in response to a question from her colleague.
- Ms Mbuyi had become good friends with the homosexual colleague, and they had frequent conversations about the meaning of Christianity.
- In January 2014, the colleague initiated another conversation with Sarah about Christianity. She said she was unhappy that she couldn't marry her female partner because of the church, and said she thought God condoned homosexuality. Ms Mbuyi responded peacefully by explaining the Bible's teaching on homosexual practice.
- After a one-sided disciplinary hearing in which Sarah was falsely accused of starting the discussion on homosexuality, nursery directors dismissed her immediately for gross misconduct.

Outcome

With the support of the Christian Legal Centre, Ms Mbuyi is taking her case for religious discrimination to the Employment Tribunal.

Dr Sheila Matthews

Case Summary

- Community Paediatrician, Dr Sheila Matthews was dismissed from her role on her local authority's adoption panel after requesting to abstain from voting in cases where homosexual couples were being considered as potential adoptive parents. Dr

Matthews, who has been a medical adviser to the County's Adoption Panel for five years, believed that it was not in the best interests of children to be raised by a same-sex couple as this would deny them either a mother or a father.

- She sought a reasonable compromise with the Council, requesting that in applications made by same-sex couples, she be allowed to abstain from voting (i.e. not to vote yes or no). Since there would still be a majority vote, her absence would not prevent the rest of the Panel from making a decision.
- However, the then Head of Services for Children, Young People and Families, advised her she could no longer continue in her role as a panel member and that another medical advisor should be taken on. As a result of the Council's refusal, Dr Matthews resigned from her job.

Outcome

Dr Matthews' claim for discrimination on the grounds of her Christian faith was rejected by the Employment Tribunal on the basis that if any other panel member had expressed similar views, they would have been treated in the same way - regardless of their religious position.

Andrew McClintock

Case Summary

- Andrew McClintock, a Christian Magistrate sitting on the Family Panel at Sheffield Magistrates Court, requested permission to opt-out of cases which would require him to place children in the care of same-sex couples, believing that it was in a child's best interests to be raised by a mother and a father.
- His request to be 'screened out' from such cases was refused, leaving him no choice but to resign from his membership of the Family Panel.

Case details

- Mr McClintock was well known for 18 years as a Christian magistrate. At all times he made known to his fellow Justices of Peace and officers of the Court that he was a Christian, and that he believed it was in the best interests of children to be raised by a mother and a father, in line with the biblical family model. Therefore, his concerns over same-sex adoption would have been known to the Sheffield Bench.

- Difficulties first arose for Mr McClintock when he considered the implications of same-sex adoption, arising from the Civil Partnerships Act 2004. He became concerned that a tension existed between the new law, and his statutory and common law duty to act in the best interests of the child. Mr McClintock raised his difficulties with the Chairman of the Family Panel at Sheffield.
- Mr McClintock was requesting that his religious conscience be accommodated, and that he should be 'screened' from cases which might require him to place children in same-sex households. The judicial oath, which Mr McClintock undertook, states that he must, "**...do right to all manner of People, after the laws and usage of this realm, without fear or favour, affection or ill-will.**" It was his belief, based on his Christian convictions that to place a child in a same-sex home would not be 'doing right' to them.
- Following the refusal of his request, he sought clarification of how the new law on same-sex adoption corresponded to his primary statutory duty to act in the welfare of the child when the scientific evidence of outcomes for such placements was so poor.

Outcome

- The Employment Tribunal and Employment Appeal Tribunal ruled there was no unlawful conduct of any kind by the Department of Constitutional Affairs, dismissing Mr McClintock's case for discrimination on the grounds of religion or belief.
- The Appeal Tribunal commented that Mr McClintock resigned of his own free will, and that he was not encouraged to resign. It was not recognised that Mr McClintock was left with no choice but to resign, as alternatively, he would have been faced with the dilemma of either breaching the law or going against his deeply held beliefs.
- The Tribunal failed to properly address the question of compatibility of the new law on same-sex adoption with the welfare of children. It was asserted by the Department of Constitutional Affairs there was 'no clear evidence' to show that it is in a child's best interests to be placed in the care of, or adopted by a mother and father in a stable relationship. Mr McClintock adduced evidence, which is on the Court Record, from leading scientific research showing that homes headed by a mother and father provided the most ideal environment for the raising of children, and that same-sex households were linked to poor outcomes for children.

Denise Haye

Case Summary

- Denise Haye was dismissed for gross misconduct by Lewisham Council after peacefully posting her Biblical beliefs about homosexual practice on the Lesbian and Gay Christian Movement's website.
- Denise Haye was using her work computer outside working hours - as was permitted by the Council. When she posted her comments on the LGCM website she believed, in good faith, that her comments were confidential to the website. She was totally unaware that the e-mail account she used would be visible on the website.
- Shortly after, Rev. Sharon Ferguson, a lesbian political activist and Chief Executive of the LGCM, complained to Lewisham Council. The Council's response was to suspend her from work immediately "for further investigation". After six months Ms Haye was sacked from the job.

Outcome

The Employment Tribunal rejected Ms Haye's case for unfair dismissal and discrimination on the grounds of her religious beliefs.

Theresa Davies

Case Summary

Theresa Davies, a registrar with Islington Borough Council, was demoted because she refused to preside over civil partnership ceremonies in line with her Biblical beliefs about marriage.

Outcome

- Ms Davies' case could not proceed to the Employment Tribunal as her case had the same facts as those in a previous case involving Christian registrar, Lillian Ladele.
- In Ms Ladele's case, the Court of Appeal ruled that Islington Borough Council was correct to insist that she presided over civil partnership ceremonies, despite her faith-based objections. The Court found that her employer was not under an obligation to reasonably accommodate her faith, even though it would have been easy to do so.

Kwabana Peat

Case Summary

- Kwabana Peat, a Christian teacher, was suspended after he complained that a staff training day was being used to promote homosexuality, and to marginalise those who disagreed with homosexual practice.
- At one point during the training session, which was led by a well-known homosexual activist from the LGBT group Schools Out, staff were asked 'what makes you think that being heterosexual is natural?' and were told that if they did not accept homosexuality, they had 'issues'.
- Mr Peat stated there was no opportunity for those with a different point of view to respond. He wrote to three staff members who organised the event and complained about the "aggressive" presentation of homosexual practice. His letter also referred to his Christian beliefs that marriage as between one man and one woman was the only proper context for sexual expression.
- Mr Peat, supported by the Christian Legal Centre, disputed claims that he had 'harassed' his colleagues, and described the charge of 'gross misconduct' as disproportionate.

Outcome

The school's appeal panel accepted that the accusation of 'gross misconduct' against Mr Peat was disproportionate. He was later re-instated.

PC Graham Cogman

Case Summary

- In 2006, PC Graham Cogman was working with the Norfolk Constabulary when homosexual liaison officers put pressure on all police staff to wear a pink ribbon supporting Gay History Month. His concerns were heightened when police stations were flooded with homosexual literature, posters, including the promotion of a gay quiz night in pubs.
- As a member of the Police force, an organisation which he feels is charged with upholding traditional standards of freedom of speech, he emailed colleagues with an alternative view on the subject, stating his Christian views and reminding them that Christians, and other members of society, whom they serve as officers, believed homosexual acts were wrong in God's eyes.

- He was subsequently accused of failing to be tolerant and banned from using the force's internal email system. When the event re-occurred 12 months later, Mr Cogman again protested and as a result was summoned to a full disciplinary hearing and fined over £1,000. He was investigated again after adding a Christian text to his computer screen saver and posting a link to a Christian organisation which provided support for individuals struggling with same-sex attraction.

Outcome

Mr Cogman lost his case for harassment on the grounds of his religious beliefs and was later dismissed.

Owen and Eunice Johns

Case Summary

Christian couple, Owen and Eunice Johns, were rejected as potential foster parents by Derby Council because it objected to the fact that the couple were not willing to promote homosexuality to a young child in their care. The application was later reinstated after the intervention of the Christian Legal Centre. Yet it was never finally approved, and continued to stall over the question of whether the Council's 'equality' policy allowed for foster carers with biblical views on sexual ethics.

Since the process had stalled, the Johns decided to take their case to the High Court in order to clarify the law and to move their fostering application forward.

Outcome

- The High Court upheld Derby Council's decision to stop the Johns from fostering children on the basis that their beliefs allegedly contravened the Council's 'equality and diversity' policy.
- Although the Judges made no formal declaration, they indicated that homosexual rights trump freedom of conscience in the context of fostering (in their own words "the equality provisions concerning sexual orientation should take precedence"); that if children are placed with parents who have biblical Christian views like the Johns, then "there may well be a conflict with the local authority's duty to safeguard and promote the welfare of looked-after children"; they implied that Christian moral views may be harmful to children; stated clearly that Councils can require the promotion of homosexuality; and made it clear that Councils can stop Christians from fostering children on this basis.

- Their analysis makes it more difficult to Christians with biblical beliefs on sexual ethics where this contravenes their 'equality' policies.
- The Johns remain unable to foster, despite having successfully fostered for many years.

At the Christian Legal Centre, we have evidence of several other Christian couples who have been stopped from fostering for similar reasons to the Johns.

Vincent and Pauline Matherick

Case Summary

- Vincent and Pauline Matherick were almost stopped from continuing as foster parents by Somerset County Council due to their refusal to sign an 'equality policy' which required the promotion of homosexual practices to children. Two children in their care was removed after the couple refused to sign the policy on the basis of their biblical beliefs.

Outcome

Represented by the Christian Legal Centre, the couple fought to have their personal convictions recognised. After negotiations with the Council, an agreement was reached and the children were returned after nine months.

John & Colette

Case Summary

- John Yallop and his wife Colette had their fostering application terminated by the Council because of their beliefs that the Biblical model for the family (i.e. a household led by a married mother and father) provided the best environment for the raising of children.
- The couple had told Lancashire Council that they were Christians but had been assured that they were still welcome to apply to be foster parents.
- However, during the process, problems arose when the Council asked the couple whether they would have any objections to prospective homosexual adoptive

parents coming into their home for the 'handover process', which normally involves a number of visits.

- The couple proposed that any meetings with prospective homosexual adoptive parents should take place at a children's centre rather than in their own home, as they were concerned that it may cause confusion to their two young children, aged 5 and 7. As a result of this request, their application was terminated by the Council, causing John and Colette Yallop great distress.

Jeff & Sue Green

Case Summary

- Jeff and Sue Green have been accused of discriminating against same-sex couples by offering double rooms to married people only at their guest house in Wales.
- The UK Equality and Human Rights Commission (EHRC) challenged the Greens over their policy to provide double rooms to married couples only, having viewed the website for the guesthouse in Llandrindod Wells in Mid Wales. In its letter to the couple, the EHRC claimed it had received a complaint about the guesthouse and warned them it was unlawful to discriminate on grounds of sexual orientation.
- Mr and Mrs Green believe they have no prospect of success in the British court system to allow them to conduct their business in line with their Christian conscience, because of a recent Supreme Court ruling against Christian bed and breakfast owners, Peter and Hazelmary Bull.
- The couple are seeking a hearing at the European Court of Human Rights because of the serious, long-term implications for Christians in the public sphere and because they believe "recent UK equality legislation seems to be being used to undermine Christian faith and values."

Outcome

With the support of the Christian Legal Centre, the Greens will present arguments to the Strasbourg court that Christians should have protection in law to reflect their ethical beliefs in the running of a guest house which is also their home.

Lesley Pilkington

Case Summary

- Christian counsellor, Lesley Pilkington, was summoned before a Professional Conduct Panel for providing therapeutic support to an undercover homosexual journalist who pretended to be a Christian wishing to move away from unwanted same-sex attraction.
- Mrs Pilkington, a counsellor with over 20 years of experience, was approached by journalist Patrick Strudwick whilst attending a Christian conference about sexuality. Lesley agreed to help him and they mutually agreed that the counselling would be based on Christian principles.
- Throughout the two counselling sessions, Mr Strudwick repeatedly told Mrs Pilkington that he wanted to leave his homosexual lifestyle, that it had become meaningless to him and that he wanted to change.
- Following the sessions he lodged a complaint with the British Association for Counselling and Psychotherapy to get her struck off. He also secretly recorded his two sessions with Mrs Pilkington, and then sold his story to a national newspaper, maligning her in the press.

Outcome

Following the complaint, Mrs Pilkington lost her senior accredited status with the BACP. An Appeal Panel upheld the decision on the basis that she should not have assumed that Mr Strudwick wanted to proceed under the same therapeutic approach that she offered - despite the fact they both agreed to do so.

Dr Mike Davidson

Case details

- The British Psychodrama Association (BPA) has removed former homosexual, Dr Mike Davidson, from the psychotherapists' register of trainee professional membership under the direction of the United Kingdom Council for Psychotherapy (UKCP).
- Dr Davidson specialises in counselling those who consider themselves troubled by feelings of same-sex attraction as he himself has been in the past. He has counselled without professional objection for six years and is recognised as an intelligent, empathetic and caring therapist. However, he has recently become a target for homosexual activists.

- Directly following two BBC radio interviews in January 2012 in which he carefully explained his evidence-backed opinions, he was peremptorily notified by email from the chair of BPA Jonathan Salisbury that, without right of explanation or defence, his trainee membership was revoked with immediate effect pending investigation. Dr Davidson can no longer practice as a UKCP-approved trainee psychotherapist.
- The decision was made on the basis of just two BBC radio interviews, with no complaints from either his clients or his qualified supervisors.

Core Issues Trust

Case Summary

- Charity Core Issues Trust was banned from running its adverts on London buses at the last minute following intervention by the Mayor of London. The advert, which read “Not Gay. Post Gay. Ex Gay and proud. Get over it!” was a direct response to an advert being run by LGBT lobby group Stonewall at the time, which read “Some people are gay. Get over it!”
- The Core Issues advert was banned just hours before it was due to become public, but the Stonewall advert was allowed to run – both at the time and subsequently. On the day of his intervention (12 April 2012), Boris Johnson took personal credit in the media for banning the advert.
- However, two years later in May 2014, Boris submitted a signed witness statement to the High Court, claiming “I did not instruct TfL to do anything”. Lawyers acting for him then proceeded to argue that when Boris had used the word ‘instruct’ he was merely expressing a point of view.
- The Mayor’s intervention took place three weeks before the London Mayoral election and just two days before the Mayor was due to appear at a hustings event organised by Stonewall, the LGBT pressure group that had sponsored the original Advert .
- Lawyers for Core Issues consistently highlighted the asymmetry of treatment towards the two viewpoints expressed in the adverts by Core Issues Trust and Stonewall, and the damage to freedom of expression through the exercise of Government censorship.

Outcome

- In its original ruling, the High Court upheld the ban on the Core Issues Trust advert.
- Following the decision, Core Issues submitted a Freedom of Information request which revealed emails suggesting the Mayor had personally instructed TfL to ban the adverts. One email revealed that on the day of the Mayor's intervention, his Communications Director responded to the Deputy Mayor Richard Barnes writing that 'Boris has instructed TfL to pull the adverts'. A month later, the Mayor himself wrote to Hazel Blears MP stating that he had "instructed" TfL to ban the ads.
- Core Issues took the case to the Court of Appeal which sent it back to the High Court to consider the new email evidence which it had not seen at the first hearing. Mrs Justice Lang stated she was "not satisfied" that the Mayor had told the "full story" about the ban and ruled that, "to get to the bottom of this", she was making an order for disclosure by Boris Johnson and TfL of all relevant documents. These included "full and unredacted" copies of emails, memos, internal notes, reports and any other relevant documents "sent to or from the Mayor or any person in the Mayor's office within the Greater London Authority, relating to the decision to ban the CIT adverts."
- The High Court ruled however that Boris Johnson did not order the banning of the advert at the eleventh hour – in spite of clear evidence, produced in Court, stating that Boris had 'instructed' TfL to pull the advert. The ban on the adverts was upheld.

'Pure'

Case Summary

- Following pressure from a group of students, including the Gay & Lesbian Society, Edinburgh University banned the University Christian Union from running the 'PURE' course on University premises.
- 'PURE' covered personal relationships from a Biblical perspective, and promoted marriage as between one man and one woman as the proper context for sexual expression.
- The university's Student Representative Council (SRC) branded the course "homophobic" and called for it to be banned. The University decided that the

course breached its 'equality and diversity' policy as it taught that sex outside of marriage as between one man and one woman was wrong.

Outcome

Supported by the Christian Legal Centre, the CU managed to hold negotiations with the University and was eventually allowed to continue running the course.

Appendix 2: Outline of some Christian Legal Centre Manifestation of Christian belief cases

Shirley Chaplin

Case Summary

- Shirley Chaplin, an NHS nurse, was faced with disciplinary action after being told she was no longer permitted to wear her cross on a small chain around her neck whilst working on hospital wards as part of a new uniform policy.
- Mrs Chaplin had spent all her career at the Royal Devon & Exeter Trust Hospital and had never been challenged before over the necklace, which she has worn since her confirmation 38 years ago.
- At the outset, no mention was made of 'Health and Safety considerations' being the reason for the policy or prohibition of Shirley's cross. The original issue was visibility. The 'Health and Safety justification' for the ban was only introduced later in the dispute.
- The 'Health and Safety considerations' cited related to risk of scratching and injury resulting from the chain being pulled. Shirley was prepared to make reasonable adjustments to the necklace to address the Trust's concerns (e.g. the fitting of a magnetic clasp such that the necklace would come away if pulled).
- The uniform policy was applied asymmetrically. Accommodation was made for the religious dress (including jewellery) of those of other religions that arguably did increase health and safety risks.
- Mrs Chaplin's employer (the NHS Trust and hence a public body) was only happy for her to continue to wear her cross if it were not visible.

Outcome

UK Courts: Mrs Chaplin's case for religious discrimination was rejected by the Employment Tribunal, which suggested that since wearing the cross was not compulsory for Christians, it was not a protected freedom. The decision was upheld by the Employment Appeal Tribunal and the Court of Appeal.

European Court of Human Rights: The ECHR ruled that, in principle, wearing the cross is an expression of Christian faith and so is a freedom to be protected.

The Court accepted that there had been an infringement of Mrs Chaplin's rights under Article 9 of the European Convention on Human Rights (freedom of thought, conscience and religion). But it ruled that the circumstances of the case justified that interference, and that UK courts had acted within the "margin of appreciation" (discretion) given to national courts.

The Court said that it was not in a position to examine the application of the Health and Safety policy, and had to assume that it was justified, as the UK Courts had suggested. However, no credible Health and Safety risk was ever demonstrated by the hospital.

Celestina Mba

Case Summary

- Celestina Mba was forced to resign from her job at Brightwell Children's Home in Morden after being put under pressure to work on Sundays.
- During her interview, Ms Mba informed her manager that she would be unable to work on Sundays. An initial agreement accommodated her Christian faith, but after two years her employer sought to change the arrangement.

Outcome

An Employment Tribunal rejected Ms Mba's case for religious discrimination, claiming that since not all Christians observe Sunday as a day of rest, it was not a 'core component' of Christianity (with the implication that it therefore enjoys little protection).

The Court of Appeal ruled however that Sunday is a day of worship and rest for many Christians and so is, in principle, worthy of protection. It found that the earlier courts had applied the wrong test, with Lord Justice Maurice Kay saying: *"I am satisfied that there was an error of law in the decision of the ET and that it was repeated in the judgment of the EAT."*

However, in spite of this, the Appeal Court refused to reconsider the findings of facts made by the Employment Tribunal or to order a new hearing to apply the correct test to the facts of the case. Thus, the dismissal of Ms Mba was upheld.

Victoria Wastenev

Case Summary

- Victoria Wastenev, Head of Occupational Therapy at the East London NHS trust, was disciplined for praying for a Muslim colleague, despite being encouraged by the colleague to talk about her faith.
- Ms Wastenev prayed for the newly-qualified Muslim worker after she expressed concerns about her health. When Victoria offered to pray with her, she willingly agreed and replied, "OK". But in June 2013, the colleague raised a complaint against Victoria, who was called before the Associate Director of Therapies the next day and suspended for nine months pending an investigation.
- The colleague had never complained to her personally had always initiated discussions about Victoria's faith.
- A disciplinary hearing ruled that Victoria was 'guilty' of three offences: praying for her colleague, inviting her to church charity events, and giving her a Christian book entitled 'I dared to call him Father' – the story of a Muslim girl who had converted to Christianity. Victoria had given the Complainant the book just before she was due to go into hospital for treatment.
- The ruling against Victoria was made despite the fact that the Complainant failed to attend the disciplinary hearing and one of the witnesses had said he was pressured into making statements against her.

Outcome

Victoria is bringing her Appeal under the Equality Act 2010 for discrimination and harassment on grounds of religion or belief.

Colin Atkinson

Case Summary

- Colin Atkinson was threatened with dismissal following an anonymous complaint that a palm cross displayed inside his work van might offend people of other faiths.

- Colin Atkinson has worked for Wakefield District Housing (WDH) for 15 years, and has discreetly displayed his palm cross in the van for the entire time. Yet following a complaint from a WDH tenant, who suggested that the cross might offend other faiths, Mr Atkinson was put under huge pressure to remove the cross from his van.
- WDH have claimed that it was a neutral organisation and that allowing a cross would be favourable to Christianity, and potentially offensive. However, other employees were permitted to wear headdresses and turbans, whilst another colleague was allowed to hang a Koranic verse in the car she used for work.

Outcome

Following intervention by the Christian Legal Centre, as well as national media coverage, disciplinary action against Mr Atkinson was dropped and he was able to keep the cross in his van.

Dr Richard Scott

Case Summary

- Dr Richard Scott, a Christian GP from Kent with 28 years' experience, was found guilty of 'malpractice' by the General Medical Council's Investigation Committee for sharing his faith with a patient at the end of a private consultation. The complaint was made by the patient's mother.
- Dr Scott, who has been a doctor for over 28 years, worked at a Christian medical centre where many patients have had their lives radically changed after coming into contact with Christian doctors.
- He was initially investigated by the GMC after it received a complaint from the patient's mother that Dr Scott had discussed the benefits of Christianity with her son.
- The GMC decided to proceed with the case despite the fact that the patient was not prepared to give live evidence, and was very reluctant to be involved in the proceedings.

Outcome

Thought Dr Scott was acting within the GMC's own guidelines on doctors sharing their faith, the GMC's Investigation Committee ruled in 2012 that his actions 'did not meet the

standards required of a doctor'. He was issued with a Warning that will remain on his record until 2017.

Caroline Petrie

Case Summary

- Caroline Petrie, a nurse from Weston-super-Mare, was suspended without pay for asking a patient whether she would like to be prayed for.
- North Somerset Primary Care Trust suspended Mrs Petrie even though the patient in question was not offended. The incident was reported by a nurse who visited the same patient the day after Mrs Petrie had offered prayer.
- Mrs Petrie was told that she could face disciplinary action for a potential breach of the code of conduct on equality and diversity and was accused of breaking nursing guidelines by failing to “demonstrate a personal and professional commitment to equality and diversity”.

Outcome

- Following intervention by the Christian Legal Centre, and widespread media coverage, Mrs Petrie was re-instated.
- North Somerset Primary Care Trust issued a statement stating that it recognised that Mrs Petrie had been acting in the “best interests of her patients” and that nurses did not have to “set aside their faith” in the workplace, and could “continue to offer high quality care for patients while remaining committed to their beliefs”. The Trust also accepted that for some people, prayer is recognised as an “integral part of health care and the healing process”.

Olive Jones

Case Summary

- Oliver Jones was immediately dismissed from her role as a peripatetic teacher for giving her testimony and offering to pray with a sick child and her family. Mrs Jones had shared her faith with the same family on an earlier occasion, and although the family had requested that no further mention of faith be made, this had not been relayed to her, leaving her unaware of the family's position.

- Following the incident, Mrs Jones was summoned to a meeting with her manager and dismissed immediately, without any investigation into the situation.
- Mrs Jones was a highly regarded teacher and enjoyed a good relationship with the pupil and her family. She said that the decision was ‘completely disproportionate’ and that it made her feel as though she had committed a crime.

Outcome

As a result of intervention by the Christian Legal Centre and extensive media coverage, the Council arranged to meet with Mrs Jones. After hearing that she had been unaware of the family’s wishes, the Council affirmed that it valued her skills and offered her the opportunity to return to work.

Duke Amachree

Case Summary

- Duke Amachree, a homelessness prevention officer for Wandsworth Council, was dismissed for gross misconduct after asking a client, who was suffering from an incurable illness, whether she had tried putting her faith in God.
- Mr Amachree, a father of two and committed Christian, had worked for Wandsworth Council for 18 years and had an unblemished record. Yet, as a result of his comments in one 45 minute housing interview, he was dismissed following 6 months of investigations and three interviews with the Council. His solicitor was even told by the Council that saying “God bless” to a client would require an investigation if the client complained.
- The client herself expressly stated that she did not want Mr Amachree, and he had never been told that such small talk in a housing interview was prohibited. The Council always accepted that his motivation in speaking to the client was purely one of compassion.

Outcome

Mr Amachree’s case for unfair dismissal and religious discrimination was rejected by the Employment Tribunal.

Reverend Mahboob Masih

Case Summary

- Reverend Mahboob Masih was dismissed from his job as a radio host after airing comments from a Christian apologist during a debate about Jesus's claims in the Gospels.
- During the show, which was broadcast to a large Asian community, there was a discussion about the divinity of Jesus. Mr Masih aired a comment from a Christian apologist in relation to Jesus' claim that He is the way, the truth and the life. The apologist said that a Muslim scholar's statement that Jesus Christ was 'not the only prophet to make these claims' demonstrated a lack of knowledge of the Bible and of the Quran. As a result, the radio station accused Rev Masih of not being balanced enough on air.
- Rev Masih was asked to apologise to listeners, which he did, but he was also ordered to apologise to worshippers at Glasgow's Central Mosque, which he refused to do. He was then dismissed from his job at the radio station.

Lydia Playfoot

Case Summary

- School pupil Lydia Playfoot was told by her school that she was not allowed to wear her purity ring, a sign of her commitment to sexual purity before marriage, at school, as it broke the school's uniform policy.
- She, and others, had been wearing the rings for 18 months. The uniform policy prohibited all jewellery except ear studs, but still allowed Muslim students to wear headscarves and Sikhs to wear Kara bracelets.
- When Miss Playfoot refused to remove the ring, she was put in isolation.

Outcome

The High Court rejected Miss Playfoot's claim for religious discrimination, claiming that since wearing the ring was not an essential part of the Christian faith, it was not a freedom that was protected.

Appendix 3: Other Christian Legal Centre cases

Nohad Halawi

Case Summary

- Nohad Halawi, who worked in a duty-free shop at Heathrow's Terminal 3 for 13 years, lost her job after spurious 'anti-Islam' complaints were made against her.
- Mrs Halawi had defended a Christian colleague who was mocked by Muslim colleagues for wearing a cross. She also spoke with management about the way that some Muslim workers spoke disparagingly about Jesus and was additionally concerned about comments made against Jews and Christians.
- A complaint was then made against her, based on a misheard conversation and spurious rumours that Ms Halawi had behaved in an 'anti-Islam' manner. In response, the management company withdrew Mrs Halawi's airside security pass, thereby disqualifying her from any further work at the duty free shop and ending her livelihood.
- She says her substantive complaints were effectively ignored by World Duty Free but that the company acted immediately to end her livelihood when unsubstantiated complaints were made against her. She believes that she lost her role because she spoke up for the freedom of Christians and dared to stand against inappropriate conduct by a group of Muslim employees.
- 22 of Mrs Halawi's colleagues, some of them Muslims, signed a petition which stated: "We are shocked and saddened by the recent dismissal of our colleague and friend, Nohad, as a result of malicious and unfounded allegations made against her" but the decision was not reversed - leaving her unable to work.
- At the request of the operators of the duty free shop, Mrs Halawi had formed a small company, called 'Nohad Ltd', of which she was the sole employee. This company contracted services to Caroline South Associates, which in turn contracted to World Duty Free. The arrangement was not uncommon.
- On a day to day basis, World Duty Free controlled her working arrangements, including her hours. Once World Duty Free withdrew approval for her airside pass, Mrs Halawi was no longer able to work in the shop, effectively terminating her 'employment' there.

Outcome

- Mrs Halawi claimed unfair dismissal and religious discrimination at an Employment Tribunal in 2012, but it ruled that she had no protection under employment law as she was not 'technically employed', despite the fact that she had worked at Heathrow for 13 years. In October 2013 the Employment Appeal Tribunal upheld this decision.
- At the Court of Appeal, lawyers for the Christian Legal Centre argued that the Employment Tribunal should have considered the de facto relationship between Mrs Halawi, Caroline South Associates and World Duty Free, recognising her as an 'employee', or a 'worker' under European law. It was argued that the arrangement was a disguised working practice and that the plain reality was that Nohad was working as a shop-worker for World Duty Free and so was entitled to normal employment protection.
- But the Court of Appeal ruled that Mrs Nohad had no employment protection rights. In the judgment, Lady Justice Arden said *'I too have an uneasy feeling that the complex arrangements have the effect that the Appellant has no remedy for discrimination...'*

Tony Miano & Josh Williamson

Case Summary

- Christian Street evangelist, Tony Miano, was arrested on a charge of alleged breach of peace with "homophobic" aggravation whilst preaching on Dundee High Street.
- Mr Miano, a former Los Angeles Deputy Sheriff, was part of a street preaching team holding a week-long mission in Scotland, and was joined by street preacher, Josh Williamson, in addressing lunchtime shoppers. He talked about the nature of sin; about the different sins that Jesus had come to save people from when a woman began to shout at him. He was preaching about sin in general and when he mentioned sexual sin including adultery, promiscuity and homosexual practice, a woman shouted that her son was homosexual.
- Mr Miano finished his preaching a few minutes later and as the street preachers packed up, two police officers arrived. At this point, the woman, and another female passer-by, shouted that they would get the preachers arrested.
- One officer interviewed the women and then immediately arrested Mr Miano, but did not question him or explain why he was being arrested. He was remanded in custody overnight and released on bail to appear before Dundee Sheriff's Court later in the year.

- Josh Williamson, an Australian who is a pastor at the Craigie Reformed Baptist Church in Perth was arrested twice in three days in the city last September for an alleged 'breach of the peace'.

Outcome

All charges were dropped against both evangelists after months of representation by the Christian Legal Centre.

Mr Miano was previously arrested for using "homophobic" speech whilst street preaching in South West London. He had been speaking on the subject of sexual immorality and the need to abstain from it based on a passage from the Bible (1 Thessalonians 4:1-12) when a passer-by called officers to the scene. He was arrested and taken to the local police station where he was photographed, fingerprinted and had a DNA sample taken. Following intervention by the Christian Legal Centre, he was released with no further action after spending seven hours in custody.

Mike Overd

Case Summary

- Street preacher Mike Overd was arrested under the Public Order Act 1986 after stating in public: 'Even these dear men caught in homosexuality, if they ask for forgiveness of sin can be forgiven their sin; God loves them that much.'
- Civil partners Craig Nichol and Craig Manning claimed that Mr Overd had singled them out as 'sinners' as they walked down Taunton High Street arm in arm. Mr Overd denied that he insulted the pair and simply acknowledged them and spoke about the hope, restoration and forgiveness that can be found in Christ.
- The couple complained to police who arrested and charged him with a 'hate crime'.

Outcome

In court, Mr Overd told Taunton Magistrates' Court that it was he who was intimidated. He told the Bench that he was verbally abused and had to seek police protection, only to find later that he was the one who was arrested.

The Magistrates found him 'Not Guilty' of a hate crime.

Mr Overd is currently facing prosecution for an alleged religious aggravation public order offence. The charges follow a complaint to police in Taunton, that he made a comparison between the perfect life of Jesus and the life of Mohammed. Mr Overd insists that when he made the comparison, he did not speak in a hateful way.

Police have informed him that the Crown Prosecution Service wishes to bring three charges against him under Section 5 of the Public Order Act. He has been told his case will come to court before the end of this year.