

The employment risks of being open about your Christian beliefs: the case of Felix Ngole.

Felix Ngole was a student on a two-year MA Social Work course at the University of Sheffield. In September 2015 he joined the debate on a news organisations Facebook website about the imprisonment of an American registrar, Kim Davis, for contempt of the order of a US Federal District Court from her refusal to issue marriage licenses to same-sex couples due to her Christian beliefs about same-sex marriage. Felix gave his own views, quoting from the Bible, arguing that homosexual acts were sinful. A fellow student on his course reported him to the University authorities. In February 2016, the Fitness to Practice Committee expelled him from the Course. Felix appealed to the Appeals Committee of the University Senate. They rejected his appeal and upheld his expulsion. Felix complained to the Office of the Independent Adjudicator for Higher Education. The Adjudicator rejected his appeal. In 2017 Felix took legal action in judicial review. The Deputy High Court Judge rejected his appeal. In 2019 he appealed to the Court of Appeal, where three Judges overturned the lower courts decision and said it was wrong for him to have been expelled from the course. Sheffield University re-instated him and he successfully completed his MA in Social Work.

First, I will look at the 2019 Court of Appeal Judgment that was in his favour. Then I will look at recent events where Felix appears to still be suffering discrimination due to his traditional beliefs.

The 2019 Court of Appeal Judgment

The fact that it took four levels of appeal before his expulsion was finally overturned, shows how risky it can be to strongly express traditional Christian views in public in some circumstances.

The Court of Appeal Judgment is excellent. It takes a balanced approach: Felix should have been more diplomatic in how he expressed his views, but the University were wrong to expel him.

The Judgment is 37 pages long and is worth reading in full. I quote:

“5. [...] (1) The University adopted a position from the outset of the disciplinary proceedings which was untenable: namely, that any expression of disapproval of same-sex relations (however mildly expressed) on a public social media or other platform which could be traced back to the person making it, was a breach of the professional guidelines. The University’s stance was not, however, in accordance with the relevant HCPC [Health and Care Professions Council] professional code and guidelines.

(2) The HCPC professional code and guidelines did not prohibit the use of social media to share personal views and opinions, but simply said that the University might have to take action “if the comments posted were offensive, for example if they were racist or sexually explicit”.

(3) The Appellant [Felix Ngole] immediately reacted (to what he saw as an unwarranted blanket ban by the University on him expressing his religious views in any public forum) by himself adopting a position which was equally untenable: namely, that the University had no business in interfering with his freedom of expression and it was his right to express his religious views and he would continue to do so just as before, whatever the disciplinary consequences. The Appellant's reaction, whilst perhaps understandable, was also not in accordance with the relevant HCPC professional code and guidelines.

(4) The right to freedom of expression is not an unqualified right: professional bodies and organisations are entitled to place reasonable and proportionate restrictions on those subject to their professional codes; and, just because a belief is said to be a religious belief, does not give a person subject to professional regulation the right to express such beliefs in any way he or she sees fit.

(5) It will be apparent, therefore, that both sides adopted extreme and polarised positions from the outset, which meant that the disciplinary proceedings got off on the wrong track.

(6) At no stage, did the University make it clear to the Appellant that it was the manner and language in which he had expressed his views that was the real problem, and in particular that his use of Biblical terms such as 'wicked' and 'abomination' was liable to be understood by many users of social services as extreme and offensive. Further, at no stage did the University discuss or give the Appellant any guidance as to how he might more appropriately express his religious views in a public forum, or make it clear that his theological views about homosexuality were no bar to his practising as a social worker, provided those views did not affect his work or mean he would or could discriminate.

(7) The University quickly formed the view that the Appellant had become "extremely entrenched" and that he lacked "insight" into the effect that his actions in posting his views on social media would have. This led the University rapidly to conclude that a mere warning was insufficient and that the Appellant's fitness to practice was irredeemably impaired and, therefore, only the extreme sanction of suspension from his course was appropriate.

(8) The University failed to appreciate two matters. First, failing to appreciate that the Appellant's apparent intransigence was an understandable reaction by a student to being told something that he found incomprehensible, namely that he could never express his deeply held religious views in any manner on any public forum. Second, failing to appreciate that a blanket ban on the expression of views was not in accordance with the relevant HCPC professional code or guidance. In these senses, it was the University and its processes which could be said to lack insight.

(9) It was, in fact, the University itself which became entrenched. First, by failing even to explore the possibility of finding middle ground, despite this being suggested by Pastor Omooba, who accompanied the Appellant at the disciplinary proceedings.

Second, by unfairly putting the onus entirely upon the Appellant to demonstrate that he did have “insight” and could mend his ways.

(10) The University wrongly confused the expression of religious views with the notion of discrimination. The mere expression of views on theological grounds (e.g. that ‘homosexuality is a sin’) does not necessarily connote that the person expressing such views will discriminate on such grounds. In the present case, there was positive evidence to suggest that the Appellant had never discriminated on such grounds in the past and was not likely to do so in the future (because, as he explained, the Bible prohibited him from discriminating against anybody).”

Felix had stated his belief that homosexual sexual acts were wrong. The belief of the University was that such views are “discriminatory” and as a consequence, Felix could not be a Social Worker. However, the Judgment points out that the expression of views and discrimination are not the same thing:

“115. The situation was not helped by the terse - and arguably inaccurate - terms in which the complaint against the Appellant was initially recorded, namely him posting “views of a discriminatory nature” [...] The mere expression of religious views about sin does not necessarily connote discrimination.”

An analogy may or may not help. Someone applying for a job as a doctor might have published on social media that they think people should not ride motorbikes. A potential employer might jump to the conclusion that they should not be offered the job due to their discriminatory views against motorbike riders and the hospital has a policy not to discriminate. But the test should be, not the doctor’s views, but, if a motorbike rider had a crash and was brought into the hospital, would the doctor treat their injuries just the same as any other patient?

Felix’s recent tribulations

In August 2023, Felix was interviewed¹ by Tony Rucinski of the Coalition for Marriage about his latest troubles.

Felix says in the interview:

“after the ruling from the Court of Appeal I was invited back to the course. So I went back to the University of Sheffield and successfully completed my Social Work degree, and since then, after qualifying, I’ve worked briefly as a social worker, supply teacher, youth worker.

[...] The job that I applied for was a support worker role [...] I’ve always wanted to work as a hospital discharge social worker, but unfortunately I don’t have the experience, so I thought applying as a support worker in the hospital discharge team I should be able [...] to then move up to the role of hospital discharge social worker.

¹ <https://www.youtube.com/watch?v=bDGDEXxwwD8>

[...] I applied for the job and was shortlisted. I was interviewed [...] they were very pleasant, very nice, very kind, and at the end of the interview they offered me the job because I was the best person for the role. [...] The same day they called me in the evening to say, 'Felix, your interview was really good, we like this, we like that, you are the best person for this role, so would you like to accept this job offer?' and I said 'yes, this is something that I'd love to do'. They then said they're going to write to me to make a formal provisional offer and so I can just accept the offer and then we can take it from there.

So I waited one week, two weeks, even more and I didn't hear anything. At that point I got very worried, what is going on? I should be starting in a couple of weeks and I'm not hearing anything. Eventually they sent me an email to say can we have an additional reference, because the ones that we've received from your referees they didn't contain enough information? I thought, well, this is very unusual, but at the same time I also thought, well, let me give them the benefit of the doubt, maybe they are just doing their due diligence. So I provided another reference. They came back to me and said we're withdrawing the job offer.

[...] Initially they wouldn't really tell me why, so I challenged them on that and said why are you withdrawing the job offer? They eventually came to me and said, 'well we went on Google and we Googled you and we saw that case that you took the University of Sheffield to court, and your views do not actually align with our views, so that is the reason why we are withdrawing the job offer.'

[...] I am a Christian, I love God, I love people, I believe in what the Bible says about sexuality and about marriage. I believe that marriage should be between a man and a woman and I cannot apologise for that, and I shouldn't be made to apologise for that.

[...] I've worked with all the groups that they're talking about and never has anybody had any, not even a single concern, about my practice. I've always been professional. I love people. I go there to support people. That's my job. [...] When I go into a job, I just want to do my job like anybody else, and that's what I've always done. I've never discriminated against anyone and I don't intend to discriminate against anyone. So why is that so difficult to understand?

[...] For whatever reason they struggle to believe that. Somebody like myself who is experienced, somebody like myself who is qualified, somebody like myself who can do the job and who has demonstrated that they can do the job, suddenly: 'no they cannot do the job because they believe in this and they believe in that'. It is really sad.

Tony Rucinski:

"Ironically, you're not the one who is doing the discriminating, because you are being discriminated against because of your Christian views."

Felix Ngole:

“It is so important that cases like this are challenged. [...] I could as well pack my bags and say I don’t want any trouble [...] but if we all do that, and say I care about my mortgage [...] who is going to challenge unfairness?”

Conclusion

Felix’s latest problems may again end up in court and if so, it will be interesting to see the outcome. In the meantime, there are two basic points:

- 1.) Christians when expressing their religious beliefs, should do so with courtesy.
- 2.) Potential employers should not assume that a Christian who has expressed their traditional beliefs will discriminate against others at work.

This should be easily accepted by all, but in practice it seems we still have some way to go.

December 2023
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