

# Sexuality and Religion: From the Court of Appeal to the Social Work Classroom



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JSWEC 2021**

This presentation is based on our recently published article:

Mason, K, Cocker, C. and Hafford-Letchfield, T. (2020) Sexuality and Religion: From the Court of Appeal to the Social Work Classroom, Social Work Education, Early Online Access:

<https://doi.org/10.1080/02615479.2020.1805426>

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## Sexuality and religion: from the court of appeal to the social work classroom

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### ABSTRACT

This paper critically reviews the case of a social work student whose professional training was terminated by his University. This followed the student's expression of his religious views about homosexuality on a public social media platform. The student sought a judicial review of this decision on human rights grounds. The High Court dismissed the student's challenge but the Court of Appeal overturned this decision to dismiss on the grounds of proportionality and referred the student back to the University to determine further action. This case is discussed in the context of the complicated positions taken up during the process leading to this legal judgment, as they have implications for curriculum and pedagogical strategies, fitness to practice processes, and the experience of LGBTQ+ students. The discussion considers how, in light of this judgment, social work educators can continue to address sexuality as a social justice issue. Critical and queer perspectives can support transformative learning where binary thinking about sexuality and religion is challenged and students can appreciate the impact of their values on others. Recommendations are made for addressing disparities in how sexuality, sexual, and gender diversity are addressed in professional education.

### ARTICLE HISTORY

Received 5 December 2019  
Accepted 28 July 2020

### KEYWORDS

LGBTQ+; sexuality; religion; suitability; fitness to practice; social work education

### Introduction

In July 2019, the Court of Appeal in England and Wales approved their Judgment concerning the case of a former social work student (referred to here as Student A), who expressed personal views about gay marriage and homosexuality on a public social media platform, based on his religious affiliation (*R (Ngole) v The University of Sheffield (2019)*). This Judgment followed a complicated sequence of events. Student A's social media posts were made in support of Kim Davis, a County Clerk in the USA who had refused to comply with a Supreme Court decision supporting same-sex marriage. Student A's posts included Biblical quotes about same-sex relationships, i.e. 'sexual immorality', 'dishonourable passions', 'shameless acts', 'abomination', and personal views including:

# Overview of the presentation

- Complicated intellectual and ethical territory – aim is to stimulate debate and contribute a perspective on the issues raised.
- Prompts big questions for the HEI sector:
  - How would my university have managed?
  - How have my university responded?
  - How should we respond?
- Outline of English Court of Appeal case re: student's religious views about equal marriage on a public social media platform
- Critical Commentary re: implications for SW education
  - Teaching practice and curriculum content
  - Fitness to Practice processes
  - Student experience



# Court of Appeal decision

- Upheld the student's Appeal re: Article 10 (Freedom of Expression) human rights
- Court of Appeal agreed that the University had followed a process prescribed by law and had a legitimate aim
- Issue of proportionate response from the University.
- Emphasised that the University had not worked with the student to support him around the appropriate, milder expression of his religious views.
- Referred student back to University for re-constituted FtP panel

# 1. Curriculum Content and Pedagogical Practice

- The Judgement requires the University to work with the student to help him to consider the language and manner of his expression
- Sexuality (and gender identity) is a relatively marginal area in pedagogical research in social work (Fairtlough et al, 2013; Dentato, 2016).
- How is sexuality dealt with on qualifying courses?
  - Stand-alone sessions or embedded widely through curriculum?
  - Are social work educators LGBTQ+-literate? Or do we depend on LGBTQ+ educators and their allies?
  - How helpful is an ADP/AOP conceptual framework when teaching about LGBTQ+ issues
  - How are people who use services AND are LGBTQ+ contributing to social work education?

(Further reading: Dunk-West and Hafford-Letchfield, 2018, Gates, 2013, Hicks and Jeyasingham, 2016; Martinez et al, 2011; Higgins et al, 2019; Willis et al, 2018)

# 1. Curriculum content and Pedagogical Practice

- Interactive and problem-based learning strategies likely to provide students with better space to unpack values, implicit assumptions and unconscious biases – transformative learning and moving beyond fixed or entrenched positions (Hafford-Letchfield, 2010; Melville-Wiseman, 2013; Morton et al, 2018)
- Underpinning teaching with critical/queer theory – questioning professional knowledge in structuring sexual and gender identity and moving beyond individual and psychological issues to push at structural issues
- Court of Appeal suggestion to help the student to ‘appropriately’ express their religious views about the sinfulness of equal marriage and LGBTQ+ identities is unhelpful – ‘love the sinner, hate the sin’ response (Brown and Cocker, 2011) – and undermines the transformational potential of critical pedagogical methods

## 2. Fitness to Practice (FtP)

- FtP procedures are commonly used to make decisions about professional suitability in many health and social care professions (Worsely et al, 2020)
- Deal with concerns raised re: professional performance or conduct in one's personal life that may undermine public trust in profession
- Pre-qualification students are not registered but expected to be aware of - and strive towards - the professional standards
- Universities (and education providers) act as gatekeepers to the profession and therefore run their own FtP processes



## 2. Fitness to Practice

- Court held that University position that student was ‘unteachable’ was not tenable
- Requirement for ‘proportionality’ – important, but...
- We argue the Court’s direction to consider helping the student to express their views in a more appropriate or mild manner shuts down ‘teachability’ particularly through transformative and critical teaching
- Critical teaching helps students to safely explore the values they hold in relation to sexual and gender diversity (and the impact of these on others)
- Helping the student to express their views in a more mild manner shuts this down.



### 3. Student Experience

- 42% of LGBTQ+ students in UK universities hide their sexuality from peers and 33% experience negative comments or behaviours from peers (Stonewall, 2018)
- LGBTQ+ social work students guard their sexual or gender identity from peers for fear of negative reaction (Fairtlough et al, 2013)
- How will LGBTQ+ students experience the facilitation of 'mild' homophobic views in social work classrooms
- Need to guard against the potential for religious students with strong religious beliefs feeling sidelined too however – a fine balance

### 3. Student Experience

- These complex dynamics are not best served through the facilitation of mild expressions of homophobia (or anti-religious expressions either, recognising that not all religious students hold these views)
- The manner and language of the student in this case were offensive but offense and outrage may only entrench these binary positions, understandable as they may be
- Critical teaching practice – rather than intermediate positions which facilitate ‘milder’ homophobic statements – is most likely to offer students an opportunity to reflect on the values they grew up with around sexual and gender diversity and consider the impact of these on others – particularly those that students will work with – but also re peers (and educators)

# Concluding reflections

- “It is necessary to constantly remind ourselves that we are not an abomination.” (dir. Marlon Riggs, 1988, Tongues Untied)
- Sexuality continues to occupy a lower position along a hierarchy of oppressions - would a Court require social work educators to facilitate milder versions of misogynist or racist statements?
- Rather than fuelling this splitting of sexuality and religion further in the social work classroom, critical and transformative teaching practices should be used to help students to reflect on their values and biases and move beyond binary positions
- Diplomatic facilitation of ‘milder’ homophobic expressions will ultimately not serve anyone – including the person holding these views – well in the long run, whereas the opportunity to safely explore these issues in the classroom is likely to have a more transformative impact for everyone