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 (R (Ngole) v University of Sheffield [2019]), which concerned a social work student whose professional training was terminated following 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.

Introduction

In July 2019, the UK Court of Appeal 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 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:

"(S)ame sex marriage is a sin whether we accept it or not"

"Homosexuality is a sin, no matter how you want to dress it up"

"(Homosexuality) is a wicked act and God hates the act"

"(God) will… Judge… all those who indulged in… homosexuality"
(R (Ngole) v University of Sheffield [2019])

Social work and other professions (e.g. nursing, pharmacy) are regulated in a number of countries. At the time of Student A's case, the regulator for social work in England was the Health and Care Professions Council (HCPC). Social Work England (SWE) took over this responsibility in December 2019 (Worsely et al, 2020). Registered professionals must uphold public trust in their profession and demonstrate the knowledge, skills, character and health required to practice safely and effectively (SWE, 2020; HCPC, 2019). Fitness to Practise (FtP) processes address concerns about the suitability of registered professionals and cover the spectrum of early enquiries which are restorative and educational – the majority of concerns are resolved at this stage – through to FtP panels which investigate the most serious cases.

Concerns can be raised about FtP as a result of professional performance in addition to conduct in the registrant's personal life that might undermine public trust in the profession. This raises important debates about how personal views interact with professional practice (Holmstrom, 2014; Wiles, 2011). Student A's case arose outside the workplace when he posted personal beliefs on a public social media platform. Social media, whilst providing new communication tools, can also raise professionalism concerns (e.g. confidentiality breaches,

statements that could bring the registrant's profession into disrepute) and both SWE and HCPC provide guidance on social media use. Inappropriate social media posts have been a vehicle for a number of FtP processes in social work and other professions (HCPC, 2018; Westwood, 2019). In this case, Student A sought to argue that his personal views would not impact on his professional practice – but the views were shared publicly and, given their nature, could undermine public confidence in the profession. This provided the rationale for the university to instigate FtP processes and this was not disputed in the Judgment. Rather, it was the proportionality of the decision to remove him from his course which led to the Court of Appeal overturning the FtP outcome.

Social workers who are in training, whilst not registered, are expected to be aware of and strive to meet codes of practice. Student A was subject to the HCPC (2016) Guidance on Conduct and Ethics for Students and the FtP processes under discussion considered Student A's conduct against this. English university course providers act as gatekeepers to the register and are required to say that the student is both academically qualified and also fit to practice as a social worker. FtP processes are an important manifestation of this, but University gatekeeping functions have been critiqued for focusing on a lack of negative reasons to fail a student rather than on detailed assessments of suitability (LaFrance et al, 2004). However, universities must consider issues of student suitability and FtP throughout their training from admissions (where declarations are sought about health and personal circumstances, such as criminal offences), through the quality assurance of placements and ultimately professional qualification (Higher Education Authority (HEA), 2014, Office of the Independent Adjudicator (OIA), 2019).

In Student A's case, early inquiries within the university concluded that the student's views were 'entrenched' and an FtP panel was convened, which recommended that Student A be removed from his course. Student A appealed within the university, made a subsequent complaint to the Office of the Independent Adjudicator (OIA) and later took his case to the High Court. Each of these institutions upheld the university's decision. Student A then took his case to the Court of Appeal whose Judgment criticised the university's

management of the situation on the basis of proportionality. As a result, Student A was referred back to a re-constituted university FtP panel. This process is described in the Court of Appeal Judgment (R (Ngole) v University of Sheffield [2019]) and the preceding High Court Judgment (R (Ngole v University of Sheffield [2017]).

As a public body, Universities are subject to such challenges. Student A used the Human Rights Act, 1998 to argue that the university had interfered with his Article 9 (Freedom of Thought, Conscience and Religion) and Article 10 (Freedom of Expression) rights. Arguably, the Equality Act, 2010 could have been used as it establishes a positive obligation for the state to promote equal status. However, human rights legislation is often adopted in legal cases taken on the basis of religious conscientious objection because it emphasises a negative obligation for the state not to interfere with rights, rather than risking analogies between religious and LGBTQ+ equality issues (O'Neill, 2013). In this case, the Court of Appeal focused on Student A's Article 10 rights, stating that his Article 9 rights had not been engaged because the social media posts were not a 'protected manifestation of religion'. However, it was acknowledged that Student A's religious beliefs were relevant to the lawfulness of any interference of his Article 10 rights. In considering this lawfulness, the Court stated that the interference was prescribed by law, pointing to the HCPC regulatory framework. They stated that there was a legitimate aim in interfering with these rights because offensive language might bring the profession into disrepute. However, the Court of Appeal believed that the real issue was that removing Student A from the course 'disproportionately' interfered with his rights. The Judgement states that the university believed that *any* expression of disapproval of homosexuality could be discriminatory and, as such, had confused the expression of religious belief (e.g.: that homosexuality is a sin) with a discriminatory statement (R (Ngole) v University of Sheffield [2019]). Had the university accepted that there was no blanket ban on expressing religious views about homosexuality if 'mildly' phrased, they would have understood the need to act proportionately and support the student to express his views more 'appropriately'.

Although codes of practice foreground a discussion of FtP in this case, these codes are a thin manifestation of the profession's value base, implying that there are straight-forward rules governing social work practice. Social work has an inherently moral nature and consequently deals with ambiguous and complex matters rather than simple adherence to rules (Hugman, 2005). The value base of the profession, articulated by the IFSW/IASSW (2014) global definition of social work incorporates principles of social justice, human rights and respect for diversity, all of which are relevant to this case. Practice frameworks, such as Thompson's (2016) anti-discriminatory practice (ADP) reflect these values and extend beyond a rule-based approach. ADP responds to oppression and power issues in social work, including the everyday discrimination experienced by LGBTQ+ people. However, ADP emphasis on non-discrimination has been identified as a limitation when balancing the tensions between sexuality and religion (Morton et al, 2015; Cocker and Hafford-Letchfield, 2014; Jeyasingham, 2008). This is because both religion and sexuality are unhelpfully problematised by each other leading to the development of entrenched positions (Melville-Wiseman, 2013). The point here is not that Student A held strong religious beliefs because we all hold implicit and explicit biases and values about sexuality based on the heteronormative frameworks prevailing in society (Morton et al, 2015). Religious students and practitioners will have a spectrum of approaches to working with diverse groups, including approaches which acknowledge others' sexualities and do not take the overt form exhibited in this situation. Instead, the problem is that Student A expressed these views publicly and did not see the impact of his manner and language on others who he might potentially work with and how he could be perceived professionally as a result. A proportionate response is necessary but it does not follow, as the Judgment argues, that social work educators should meet this requirement by accepting intermediate positions that accommodate 'mild' iterations of homophobic beliefs. Instead, social work educators should consider how the value base of social work can be best promoted through transformative teaching practices, supporting students to critically reflect on their values about sexuality. Restorative early stages of FtP processes (where concerns arise) should be based on this premise rather than an intermediate position that does not fit with the value base of the profession.

In doing this, social work educators need to pay attention to the experiences of LGBTQ+ students too, which are neglected in this Judgment. The remainder of this article will consider these issues, offering a critical commentary to stimulate debate for social work educators. Although the case was heard in England and relates to English social work education, we argue its international relevance and importance given global concerns with social work education and sexuality issues (see Dentato et al, 2016).

Before moving on, language and terminology are important when discussing sexual and gender identities. We use the acronym LGBTQ+ to refer to any person identifying as lesbian, gay, bisexual, trans, queer and other non-heterosexual and cisgendered identities, but use shorter acronyms when citing studies referring to specific identities (such as LGB for lesbian, gay and bisexual identities). We acknowledge that these terms may mask significant differences within such groups, and this can be problematic (Morton et al, 2015). However, in the context of this Judgment, we use this term as a heuristic for a wide range of sexual and gender identities, which are marginalised through heteronormative and cisgendered societal values and practices.

Curriculum Content and Pedagogical Practice

We do not know the degree to which sexuality issues were embedded into the curriculum at the university involved. However, the Judgment states that the university should have helped Student A to think about the expression of his beliefs. This has implications for a range of curriculum and teaching practices. Firmly embedding critical content and learning activities on sexualities may help to safely begin reflective discussions about the implications of personal values about sexuality in social work.

A range of research evidence confirms the marginality of sexuality issues in many social work course curricula in England (Fairtlough et al 2013) and internationally (Dentato et al 2016). These point to evidence suggesting a link between future social workers' LGBTQ+ competence and the effectiveness of social work educators at teaching LGBTQ+ issues (McCarty-Caplan 2018).

Educators' own values may be based on heteronormative and cisnormative assumptions. Whilst sexuality may be incorporated into ADP teaching, it is less likely to be embedded across the broader curriculum, which can be imbued with implicit heteronormative and cisnormative assumptions (Fairtlough et al, 2013; Dunk-West and Hafford-Letchfield (2018). This neglect of sexuality in the curriculum is mirrored in the marginality of these issues in social work research and literature (Nothdurfter and Nagy, 2016), though there is some growing attention to queer and critical perspectives, for example queer theory (Hicks and Jeyasingham, 2016; Jeyasingham, 2008) or queer consciousness (Martinez et al, 2011). These perspectives help to question the role of professional knowledge in structuring sexuality. Teaching rooted in such critical and queer perspectives questions the role of professional knowledge in structuring sexuality, pays attention to structural rather than psychological impacts of homophobia, recognises the importance of intersectionalities and emphasises the heteronormative frameworks in which values about sexuality develop (Jeyasingham, 2008).

Critical teaching in relation to sexuality needs to be rooted in pedagogical approaches that take account of how students learn and critically engage with the topic (Wagaman, 2018). Higgins et al's (2019) work on pedagogical principles underpinning teaching about older LGBTQ+ people in professional education emphasises interactive and experiential teaching strategies, which provide more opportunities than didactic teaching for attitudinal reflection and change and increasing students' confidence in working with LGBTQ+ service users and carers. Given the policy context for service user and carer involvement in social work education, more work needs to be done to include LGBTQ+ communities in the design, delivery and assessment of professional education (Higgins, 2019; Willis et al, 2018).

Three pedagogical studies from the UK provide strategies to help students develop insight into the impact of personal values when working with LGBTQ+ people. Hafford-Letchfield (2010) used a problem-based approach to simulate a classroom debate about LGB adoption. This activity makes use of a structured classroom environment to contain potentially unsafe modes of

expression. This is supported by critical personal and group reflection for students to consider common concerns that emerge from 'public' discourse around religion and different family forms. This approach promotes anti-heterosexist practice and student self-analysis on how they position themselves professionally. Debate is often neglected as a teaching tool in social work education, but it offers students opportunities to engage with a topic and develop positions and the skills to defend these, though there should be some critical consideration of their use as a single teaching moment on issues as complex as sexuality and/or religion (Whiting, 2009).

Melville-Wiseman (2013) developed a three-part teaching model to resolve a classroom 'schism' based on sexuality and religion between students appearing to take up 'anti-homosexual' or 'anti-religious' positions. In this model, firstly, social work educators encourage a more critical understanding of ADP. This creates the conditions for a potentially unifying statement about the pervasive nature of discriminatory attitudes, which encompasses the experience of students at both sides of the 'schism'. Secondly, social work educators should clarify that although the discernment of religious texts is not a social work task, students do need to have some religious literacy to work effectively with people. Thirdly, students are encouraged to consider the risks of holding 'anti-homosexual' or 'anti-religious' positions in terms of professionalism and employment.

Morton et al (2015) provide a third pedagogic model, building upon the acknowledged limitations of an ADP approach. Students are asked to discuss and reflect on the ways in which they negotiate difference on a day-to-day basis and to observe the ways they talk about sexuality. Group responses are used to consider how everybody is implicated in producing ideas about sexuality in their everyday talk and practices. This approach enables a frank and potentially transformative discussion about the social relations of sexuality, rather than othering and expressing outrage at externalised examples of homophobia.

Each example includes learning activities that hold potential for transformational perspective-changing (Mezirow, 2018) by activating students

to critically reflect on their values and roles in reproducing heteronormativity. and empathise with positions other than their own. In this way, students are supported to empathise with positions other than their own and move beyond unhelpful stigmatisation of LGBTQ+ identities as condemnable or essentialising religious beliefs as universally oppressive. This is important because these debates can marginalise religious students as well as LGBTQ+ students. Social work has strong religious origins but religious perspectives are frequently invisible in curriculum content and the issues are under-researched in social work scholarship (Crisp and Dinham, 2019). Helping students to think about the intersections between social work practice and religion challenge ideas that religious faiths only represent fixed values and help progress a more meaningful discussion about religion and sexuality. The three pedagogical methods cited above contribute to critical pedagogical studies because they emphasise the constructed nature of knowledge about sexuality, reject simplistic binaries and challenge students to engage with broader social and political frameworks that order our thinking about diverse identities.

The Court of Appeal dismissed an allegation from Student A that the FtP processes had been biased by a LGBTQ+ university staff member who discriminated against him on the grounds of his religion. 'Coming out' as an LGBTQ+ educator in the social work classroom can be beneficial in enhancing authenticity and challenging assumptions of a heterosexist norm. However, this openness carries risks, including negative evaluations from students, hostile reactions from colleagues and feelings of isolation within teaching teams (Prock et al, 2019; Gates, 2010). Although the Court did not entertain this argument, the allegation underlines these risks.

In proposing a more 'proportionate' response, this Judgment recommends an intermediate position where religious views about the 'sinfulness' of homosexual acts are potentially accommodated if they are 'appropriately' or 'mildly' phrased and it is made clear that discriminatory behaviours toward service users would not occur. However, these 'appropriate' or 'mild' phrasings encompass a 'love the sinner, hate the sin' response (Brown and Cocker, 2011). This is far removed from critical or queer perspectives, which articulate

sexuality in terms of relationships, identities and experiences embedded within a heteronormative and cisnormative world, rather than seeing sexuality as reducible to individual sexual activity (often framed in terms of deviance) (Morton et al, 2015; Carabine, 2004). Proportionate and supportive responses are crucial in FtP processes, but the above suggestion, referred to in the Judgment as an 'olive branch', undermines the profession's value base and the transformational potential of such critical pedagogies.

Fitness to Practise processes and thresholds

In England, universities are responsible for decisions about students' suitability to enrol and remain on social work programmes and their suitability to register upon graduation. Suitability differs from academic competence and focuses on professional competence and conduct compatible with the requirements of the regulator. It is important that concerns about suitability are assessed through proportionate FtP processes – the principle at the heart of the Judgment in this case. Early enquiries should take a restorative approach, supporting the student to develop their capacity to demonstrate suitability and the majority of cases are resolved in this way. In situations where restorative approaches are insufficient, an FtP panel is convened to consider the matter further. These can, in the most serious cases, lead to the termination of a student's social work training. Overall consideration of FtP issues should have reasonable expectations of them at different levels and points in their development. Students are learning and reflections upon mistakes are integral to this (Siccora, 2019). In serious situations where mistakes cause concerns about FtP, any disciplinary action is weighed alongside a student's capability to learn and develop subsequently (HEA, 2014). FtP procedures are therefore not primarily intended as a punitive process, but as a proportionate approach, supporting students to develop as competent and trusted members of their profession.

As discussed, Student A challenged the FtP decision with the OIA and the High Court who upheld the university decision, but at the Court of Appeal the decision was reversed. The law in this area is relatively sparse but there are

some cases that contextualise Student A's appeal. In Student A's case, the Court of Appeal disagreed with the High Court emphasis that professional judgement during FtP processes discerned that the student was 'unteachable'. This has some interesting correspondence with earlier FtP case law. In R (Higham) v University of Plymouth, which involved a medical student whose FtP was impaired on health grounds, the High Court stated that FtP panels with representation from practitioners in the sector were better placed to determine FtP than courts because of their expertise in the area (though no social work practitioner or service user/carer was present at Student A's FtP panel). However, in another case from medicine (which involved inappropriate social media posts by a student doctor), R (Thilakawardhana) v OIA [2018], the Court of Appeal overturned a decision because the OIA had acted as though professional judgement in FtP panels could not be challenged. Furthermore, in Khan v GPC [2016], concerning a pharmacist with convictions for domestic violence, the Supreme Court overturned the regulator's decision on grounds of proportionality, stating that courts are more likely to overturn regulatory decisions when the concerns relate to conduct outside the workplace than actual professional misconduct, thereby foregrounding Student A's case.

The Court of Appeal's Judgment emphasises the issue of proportionality and comments on the university's apparent 'blanket ban' approach to the issue of posting religious beliefs about same-sex marriage. The Judgment points to 'informal' HCPC guidance, which does not 'ban' social media posts about religious beliefs, but states that the University might have to take action "if the content of postings were offensive, for example if they were racist or sexually explicit" (R (Ngole) v University of Sheffield [2019]). The source guidance for this quote is identified as a 'Focus on Standards' document, (not available on the HCPC website, but summarised and referred to in Guthrie's (2014) comment on the HCPC position on the use of social media). This 'informal' guidance pre-dates HCPC social media guidance (HCPC, 2017a) but is broadly in keeping with the ethos that social workers should "be polite and respectful, and avoid using language that others might reasonably consider to be inappropriate or offensive" (p.6). This description of guidance as 'informal' is interesting given that students and registrants should follow sector guidance

unless they can justify departing from this. The Judgment confirms that FtP processes might be considered if the content of social media posts are offensive, thus supporting the university decision to make FtP enquiries. However, it was the proportionality of the FtP outcome that was criticised.

FtP processes for social workers have been critiqued in relation to issues of power, intrusion, transparency and the focus on individual failings rather than organisational concerns (McLaughlin, 2009; Worsely et al, 2017). As student FtP processes are managed by their university rather than the regulator, this may raise concerns about transparency, highlighting the need for proportionate responses. It is noteworthy that no contemporaneous minutes were taken at Student A's FtP panel. There are a number of unanswered questions about whether the regulations are fairly applied and whether certain groups of students, such as those from particular ethnic, cultural or religious backgrounds (who may find themselves stereotyped as holding oppressive values) are more likely to be targeted (McLaughlin, 2009). Given the complicated and sensitive nature of balancing sexuality and religion, Melville-Wiseman (2013) has cautioned against rashly convened FtP processes in these cases. During the early stages, where a less intrusive response might have become available, Student A was said to have been 'intransigent' and 'entrenched' in his views and did not show 'insight'. An important aspect of the earlier High Court Judgment was that the university had determined Student A to be 'unteachable' (R (Ngole) v University of Sheffield [2017]). However, the Court of Appeal stated that Student A took up an understandable position, believing he was being told that he could not express his religious beliefs. The Court indicated that this was not in keeping with the expectations of the regulator.

Instead, the Court of Appeal suggested that the university should have taken a proportionate intermediate position and helped the student to see that the manner and language of his posts were offensive, but it is difficult to tell how a social work educator could meet this requirement. Proportionality suggests that responses should fit the degree of seriousness and it is important that students are afforded proportionate FtP outcomes. However, the approach suggested by the Court, namely to support the student to express his views in a 'milder'

form, is problematic. Statements about the 'sinfulness' of homosexuality couched in caveats about non-discrimination would not reassure most recipients or providers of social care that discrimination would not take place, particularly following a public social media post of this type by an aspiring registrant. Key literature on suitability processes highlight important questions about the degree to which privately held beliefs can be separated out from or differ substantially from professional values (Holmstrom, 2014; Wiles, 2011). Such an intermediate position is unlikely to provide the necessary reassurance precisely because of its reinforcement of the possibility of a split between personal and professional values, as opposed to seeing these as overlapping. On the other hand, adopting and embedding critical teaching approaches can support and transform learning through safe and constructive exploration of values relating to sexuality and the impact of self on others. This is more likely to give rise to an authentic practice response from a student who has taken time to acknowledge the impact of their values, rather than encourage an incongruent split of personal and professional values through such intermediate positions.

LGBTQ+ Student Experience

LGBTQ+ students frequently experience discrimination in universities. Stonewall (2018) identifies that 42% of UK-based LGBTQ+ students hid their sexual identity for fear of discrimination and 33% experienced negative comments or behaviours from other students because of their sexuality. The same study reports that 7% of trans students had been physically assaulted by another student or university staff member echoing Hafford-Letchfield et al's (2017) systematic review of the experience of trans students which highlights that this group face the highest rates of bullying, abuse and violence in higher education. LGB social work students have identified a need to guard their sexual identity and their experiences of social work educators who did not appear confident, aware or willing to appropriately manage homophobic micro-aggressions (Fairtlough et al, 2013). This raises questions about how LGBTQ+ students would experience educators facilitating 'mild' statements about the 'sinfulness' of homosexuality whilst maintaining (as the Judgment suggests)

that such a view differs from discrimination. It is important to ask whether similar views from a non-religious student would be handled in the same way, for example, that homosexuality may be deemed, from a non-religious viewpoint, to be wrong. It is difficult to see how this would not be called out as homophobia. Yet, the Judgment does not mention 'homophobia' at all. This is deeply problematic because whilst the student who caused offense is supported to be more 'mild' in their manner and language but not asked to more deeply reflect about the implications of their values, LGBTQ+ people have their concerns privatised and individualised as having 'taken offense' rather than recognising the structural aspects of this language and its discriminatory impacts.

The Court of Appeal's omission of the word 'homophobia' is significant. It reflects their emphasis on 'informal' guidance, which names racist and sexually explicit messages as illustrative of offensive posts but does not makes mention homophobia. The regulator's formal guidance on the use of social media (HCPC, 2017a) does not provide an illustrative list and does not define the words 'inappropriate' or 'offensive', despite advice to do so (HCPC, 2017b). There is therefore an observable absence of any discussion about homophobia in the guidance or the Judgment.

Furthermore, the Judgment's suggestion that offence can be avoided through 'mild' phrasing provides important signals about the status and contingent nature of sexuality as a protected characteristic, because unlike race, gender, disability or age, religion and sexuality are characteristics that are often set against each other (Brown and Cocker, 2011). Case law in England has clarified that public sector services cannot discriminate in their provision of goods and services to LGBTQ+ people on the basis of religious views. Student A did not break the law, however there are issues about how personal beliefs impact on one's ability to provide professional services. Statements that express 'mild' disapproval of homosexuality may not fit the Court of Appeal's conception of abusive, aggressive or inflammatory language (though these concepts and their boundaries are not defined). However, the language is certainly condemnatory and judgemental even if it is mirroring Biblical quotes. Applying different standards to homophobia versus racist or sexually explicit

statements (which would presumably not be subject to calls for more 'mild' iterations) may be interpreted problematically by LGBTQ+ students and others.

This complicated dynamic highlights the difficulties inherent in relying only on ADP frameworks. Very little resolution is possible in this context and tensions are exacerbated. The use of critical pedagogies in supporting students to develop an awareness of the impact their values may have on others is key. This includes both students who express negative opinions about LGBTQ+ people and students who believe that religious beliefs should bar students from social work practice (Melville-Wiseman, 2013). The latter is an equally unhelpful viewpoint in that it firstly essentialises students who hold religious beliefs as homophobic and secondly makes assumptions that someone holding liberal values would never discriminate. Constructive discussions, carefully managed by skilled social work educators are far more likely to open up possibilities for reflection and improve all students' experience. They are also more likely to enable students to appreciate the clear positions taken by educators on homophobia, as they have been carefully scaffolded and supported along the way.

Conclusion

The Judgement calls for social work educators to pay attention to pedagogical strategies, particularly interactive or problem-based approaches, to help students explore their values and views about sexuality, whilst gaining insight into the impact of these views on LGBTQ+ people that they work with as service users or colleagues. Social work educators may find it challenging to promote critical approaches to sexuality, which critique heteronormativity and reductionist perspectives, whilst enabling students whose religious views denounce homosexuality to express these views 'mildly'. LGBTQ+ students may experience such an approach as insensitive.

The Court of Appeal Judgment calls for a 'diplomatic' intermediate position, which has been critiqued in terms of its potential to disable critical and queer perspectives on sexuality in the social work classroom. Whilst we agree that

FtP processes need to be proportionate, this conservative approach undermines the transformative potential of social work education. A critical and queer approach is more likely than the acceptance of intermediate positions to lead to genuine, transformative learning (Mezirow, 2018). These approaches can be brought to life in the classroom through creative pedagogical strategies that allow for dialogue about personal values and their possible impact on LGBTQ+ service users or colleagues. Higher education has rich potential to critically and safely challenge students' views in order to reflect carefully about how these apply to professional practice. This balancing of difficult tensions is key for social work educators as well as Universities that host social work education. Social work educators and students alike should be left with a clear sense of their responsibilities and how they can continue to adopt clear positions on homophobia, transphobia, and heterosexism.

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