

## **Research Space**

Book chapter

**Elusive tensions in everyday relationship-based social work practice: exploring the challenges for social work education at the interface between religion and sexuality**

**Melville-Wiseman, J.**

*Elusive tensions in everyday relationship-based social work practice – exploring the challenges for social work education at the interface between religion and sexuality*

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## **Introduction**

Social work practitioners and educators negotiate inherent tensions within professional relationships that reflect the overarching ethical imperative to provide care and services equally and inclusively. However, in recent years specific tensions have emerged which have proven elusive and divisive within the social work community. These specific tensions exist at the intersection of spirituality on the one hand, and faith-based views about sexuality on the other (Cosis Brown and Cocker 2011; Melville-Wiseman 2013; Melville-Wiseman 2017). In social work education, these tensions are grounded in the contemporary roles and identities of social workers and how educators prepare their students for those future professional identities. However, they also happen on a learning journey that can provide some key opportunities for resolution which may not be as apparently available once a social worker is qualified and registered (Melville-Wiseman (2013).

The paper explores these tensions through a real-life case scenario involving a pre-registration social work student on a qualifying social work programme in a UK university. The student was excluded from his social work programme because of his publicly expressed faith-based views about sexuality and the concerns of his lecturers that he would not be able to practice in a way that was compatible

with social work values. The student appealed the decision within the university, to the Office of the Independent Adjudicator, and when these avenues were exhausted, turned to the courts. This outcome was widely reported within the social work community in the UK and received some national news coverage. The outcome was perceived as a partial success for the student. However, it also highlighted the limitations of the regulatory body standards as well as the university processes. The outcome was critical that the university had instigated formal proceedings before properly testing the view that the student's future practice would be discriminatory. This paper therefore explores alternative approaches that university social work educators could explore prior to instigating formal processes when such views are expressed. It presents a narrative analysis of the case from a socio-legal perspective alongside arguments for maintaining our role as transformational educators even when things become 'messy'.

The paper argues that whilst formal and legal imperatives may need to be a critical part of such cases, they do not provide the social work academy with the tools needed to develop future social workers. Social work practitioners should reflect the diversity of the people they work with, but they should be undivided in their commitment to provide equally diverse service users with the best possible experience. The continuing emergence of such tensions and the repeated dominance of the search for legal or regulatory solutions also raises questions about our ability to teach about homophobia at the same time as teaching religious literacy. The paper explores some ideas around alternative approaches to responding when these tensions arise.

The paper sets out some background and history of our religious roots and then utilizes a critical narrative analysis approach to examine the progress of the case within a socio-legal perspective. This includes theoretical and practice tensions in social work practice; performances of social work in relation to both sexuality and spirituality; and then uses two previously published case scenarios

to illustrate the ongoing elusiveness of how to resolve such tensions when the sector was confronted with the third case.

### **The performances of social work**

Performances of social work practice have evolved over time from early philanthropic and charitable endeavors to the development of it as a formalised and regulated profession (Woodroffe 1962; Horner 2003). However, contemporary practice is shaped by two almost polarised constructions. On the one hand liberal discourses focus on prevention of risk (and that children must be saved from abusive adults or inadequate parents); assessment of eligibility and thresholds for services and care (including assessment of financial contributions for care); negative positions on the causes of poverty ('the undeserving poor'); addressing the so called 'problem' of our ageing population; and the long-term impact of trauma and abuse or Adverse Childhood Events (ACE). In contrast, the radical social work movement believes that social workers have an incontrovertible duty to challenge government policies on austerity, social inequality and the root causes of poverty that make people's lives so difficult and lead them to need care and support regardless of several variabilities including age; gender identity; physical, mental, or psychological health; ethnicity; and sexuality. This rights based approach is also evident in how social workers practice within mental health services (service users have the right not to be detained against their will unless two doctors and an Approved Mental Health Professional think they should be); within service for people who may lack capacity to consent to treatment or care; and through taking the lead within broader health and social care services for coordinating safeguarding investigations when vulnerable adults or children are suspected to have been harmed. Diverse theoretical positioning has also been evident in social work education and practice. For example, psychological theory versus sociological theory; the influence of nature versus nurture; and whether mentally disordered offenders should be treated as 'mad' or 'bad'.

Within these debates social work, along with education, as largely local authority led provision, has had to navigate from Section 28 proscriptions on the 'promotion' of homosexuality to the requirement to now pro-actively challenge discrimination against people who identify as LGBTQ.

### *Social work and sexuality*

Social work practitioners have always held an influential role in the experiences of LGBTQ people within health and social care services. However, those institutions have not always been hospitable to the discrete needs of LGBTQ people and as a result deficit-based models of othering and pathologisation have dominated. The most common focus within health and social care has been on concepts of wellbeing and public health with little attention being paid to the identification of social causes of discrimination in the lives of LGBTQ people or the impact of homophobia (Jeyasingham 2008), lesbiphobia or transphobia. Changes to legislation in the UK, and in particular the enactment of the Equality Act 2010, have required and empowered social work practitioners to adopt a rights-based approach to their work with LGBTQ people. However, the implementation of this permissible equality imperative is only as good as the skills of social work practitioners in the field (Cocker & Hafford-Letchfield 2010). In addition, the training they receive is predicated on, but limited by, the theoretical and knowledge base generated within the academy. In a recent review of published papers on LGBTQ people and issues in social work, Nothdurfter and Nagy (2016) identified that the academy has moved on from taking a pathologising stance. Instead, the papers they reviewed, across European social work journals, situated LGBTQ issues firmly within the social rather than the individual. However, they also argued for a queer approach to more effectively challenge heterosexism and heteronormative debates within social work practice and education Nothdurfter and Nagy (2016).

### *Social work and religion and spirituality*

The history of the profession of social work in the UK traces its early roots back to pioneers who emerged through different religious movements with social justice as a focus. For example, Elizabeth Fry claimed her Quaker roots when she argued for reform of the prison system; Octavia Hill who transformed social housing was a pantheist and later an Anglican; and Eileen Younghusband who developed social work education was a member of the Anglican Communion of St Martins-in-the Fields in London (Jones 1984, Boyd 1982). However, in more recent times we have seen the increasing secularisation of social work and the development of professional standards and regulation to guide practice (Furman et al 2005).

It is surprising then that in contemporary social work practice and social work education there is little evidence that religion or spirituality and their consequential values as influential drivers feature within the mainstream. Instead, the profession is dominated by its professionalisation, the search for empirical evidence, and the management of care (Furman et al 2005). One perhaps inadvertent consequence of this shift is that social workers do not develop their skills and knowledge base to address everyday spiritual tensions in practice or in their relationships with people who need services (Melville-Wiseman 2013).

This presents the profession with significant challenges in terms of how it operates in our contemporary world, meaning the need for religious literacy has never been greater or more difficult to achieve. Spirituality, and its role in the academy, in relation to direct social work practice has expanded during the 21<sup>st</sup> Century but mostly within the Anglosphere (Crisp 2020). Emergent areas have included spiritual support during end of life care, supporting victims of violence and abuse and 'stewardship' of the planet. However, there is a growing need for social work to develop its knowledge base within other traditions including African and Asian experiences of Christianity and Eastern and Middle Eastern traditions within other faiths and religions if the profession is going to

remain responsive to the needs of service users. For example, social work with refugees, especially those fleeing religious persecution, is now an integral part of UK social work practice (Crisp 2017).

### *Legal contradictions*

Under the conservative government of Margaret Thatcher, the Local Government Act 1988 was passed. The now discredited Clause 28 of that law, required local authorities, who were the main employers of social workers as well as teachers, to not intentionally promote homosexuality or publish material with the intention of promoting homosexuality. The act clarified that this did not *'prohibit the doing of anything for the purpose of treating or preventing the spread of disease.'* (Clause 28. Section 2.) In practice this meant that a social worker could not discuss the impact of discrimination or hate crime with anyone if it was based on their identity as LGBTQ. Despite many changes in government, and evidence of the harm this approach had caused, it was not repealed until the Local Government Act 2003 (Section 122). During this time social workers were placed in considerable conflict with the principles and values of their profession which required them to practice in not just a non-discriminatory way but in a proactively anti-discriminatory way. The Equality Act 2010 then made clear that sexual orientation was now a protected characteristic. So, the context of social work practice had moved from one where a social worker risked their employment if they discussed sexuality with a service user, to where they risked their professional accreditation and employment if they did not advocate on behalf of people who may be discriminated against because of their sexuality. And some social workers will have practiced continuously during this time. Such shifts in legal controls have made it difficult for social workers (and others) to remain true to values based practice but also to remain skilled in their application of values when tensions arise.

The paper now examines three case examples where tensions have arisen as a result of legal

contradictions at the interface between religion and sexuality. The first two have been reported more extensively elsewhere (Melville-Wiseman 2013, 2017) but are included here to illustrate the continuing background tensions for the social work profession.

### **Case examples**

#### *Teaching through the tension*

Considerable tension emerged within a cohort of pre-registration social work students when the group became almost equally divided by their conflicting views. On the one hand half the cohort expressed views, based on their religious beliefs, that homosexuality was sinful. In response, the other half expressed the view that anyone who thought that homosexuality was sinful, regardless of the reason for those views, was not fit to be a social worker. Within this tension, their academic tutors looked for a resolution through invoking quasi-legal investigations into whether there were fitness to practice concerns which could lead to removal from the programme. Once removed there was the likelihood that those students would never be able to enter the profession of social work. The tutors' views were wholly on the side of the second group and agreed that views that homosexuality was sinful were incompatible with social work values. In addition, that they had the authority and duty to prevent those students from entering social work as a profession. This position was understandable when viewed from a purely anti-discriminatory perspective but did not take into account: this division mirrored the schism being debated but not resolved within the Anglican Communion and other faith groups about homosexuality; students were on the start of their journey



to translate their personal values into professional values; that no-one within the debate could claim to be devoid of discriminatory attitudes if for no other reason that we have yet to know all there is to know about discrimination and how it affects individuals and groups; and that primarily our role was to teach students and their role was to be open to learning including when that impacts on their personal views. Instead, an alternative approach was proposed to resolve the tension using a new teaching model which centered on the risks and challenges that both sides faced if they were to become successful practitioners and this is reported in detail elsewhere (Melville-Wiseman 2013). The model challenged those who believed that homosexuality was sinful to consider how they would work in an equal and anti-discriminatory way with service users who identified as LGBTQ. Also, how they would, over the rest of the programme, persuade their tutors that they could do that. In addition, it challenged the other group to consider how they would work equally and in an anti-discriminatory way with service users who identified as having seriously held faith based views that homosexuality was sinful. Their tutors were also challenged to consider the development of professional values as a process which needs to take place over the two or three years of the programme as opposed to being inherently established at the start. Also, to develop teaching materials and approaches that supported the open debate of conflicting values as opposed to them remaining hidden.

### *Exploring tensions in relationship-based practice*

Experienced foster carers applied to return to fostering as short-term respite carers. They had

previously successfully cared for 15 foster children and having brought up their own four children applied to resume the role. However, in a much-publicised case they failed the assessment of their suitability and were not permitted to resume caring for children. The social worker who carried out the assessment discovered that the couple were Evangelical Christians. As part of the assessment, she pressed them on their faith-based beliefs about homosexuality. The couple confirmed that they believed that homosexuality was wrong but would equally love any child regardless of their sexuality or emerging sexuality. Their application was subsequently refused by the local authority. The couple challenged the decision through the courts, but the decision was finally upheld through several judicial challenges and processes. The decision rested on the National Minimum Standards for Fostering which gave precedence to challenging discrimination on the grounds of sexual orientation over challenging discrimination on the grounds of religion.

### *Elusive tensions and challenges for social work education*

#### *Background*

A first year MA in Social Work student posted faith-based views on Facebook that homosexuality was sinful. This was reported to the university by another student on the same programme. The programme team determined that these views, and posting them on Facebook, breached social work standards and values. Following discussions with the student the programme team determined that he was not amenable to change those views although he confirmed he would not repeat them in this way. They deemed this risked him practicing in a discriminatory way. Each social work programme is required to have a formal process to address such concerns called Fitness to Practise and so this was used to formally assess the situation. He was subsequently withdrawn from his social work

programme but offered alternative programmes of study which would not lead to a professional qualification. The student appealed this decision within the university process, but the appeal was not upheld. He then appealed to the Office of the Independent Adjudicator for Higher Education but again his appeal was not successful. The student sought support from the Christian Legal Centre and a Judicial Review was sought in the High Court based on interference with his rights under Articles 9 and 10 of the European Convention on Human Rights and that the decision to withdraw him from the social work programme was arbitrary and unfair. However, he also claimed that the Chair of the Fitness to Practise Panel was biased in that she was openly gay. At this stage the Judge found in favour of the university decision (*R (Ngole) v University of Sheffield* 2017). However, the student then pursued a further appeal to the High Court, and this was then partially upheld (*R (Ngole) v University of Sheffield* 2019).

### *Legal Dimensions*

Contemporary case law has established several key principles under which universities and professional bodies operate in such situations. First, the reputation or standing of the profession takes precedence over any individual (*Bolton v. Law Society* [1994] 1 WLR 512; *R (Thilakawardhana) v. Office of the Independent Adjudicator for Higher Education* [2018] EWCA Civ 13; [2018] ELR 223). In effect this provides organisations with the right to prioritise the standing of the profession before any individual considerations if an individual is putting the reputation of that organisation at risk. In this case the university considered the reputation of the social work profession to be more important than the needs of this individual to express their faith-based views. Second, behaviours outside of work time may constitute professional misconduct

(*R (Remedy UK Ltd) v. General Medical Council* [2010] EWHC 1245). This gave the university the right to consider that the posting of the views on social media were legitimate grounds for

concern. Finally, professional regulatory bodies have the right to impose sanctions out with the Human Rights Act 1998 (*Sanders v. Kingston* [2005] EWHC 1145). In effect the university had the right to invoke Fitness to Practice proceedings as that is a requirement of the regulatory body.

The student pursued his case claiming that he was being discriminated against based on his religion and belief. The university held that this was not the case and that it was the student's lack of insight into how the public expression of his views might upset some people that was the problem. In the first hearing (*R (Ngole) v University of Sheffield* 2017), Deputy High Court Judge Rowena Collins Rice gave several reasons to reject the student's case. In her conclusions she drew attention to the tensions inherent in the case and stated:

*“Passing the specific details of this case through the filter of judicial review has produced a conclusion in favour of Sheffield University. The legal filter includes a number of different strands, including Mr Ngole's rights to hold and express his Christian belief, and his, and the University's, responsibilities to play their part in guaranteeing carefulness and high standards in the social work profession he wanted to join, in the interests of vulnerable service users and of the wider public.*

*“These are not incompatible public goods. They do not have to be in conflict. Where tensions arise they are capable of being resolved. It takes sensitivity, commitment, and cooperation on both sides to achieve that. On the facts of this case I have concluded that it was fair for the University to expect Mr Ngole to have done more in that respect. In not, in the end, giving him the benefit of the doubt, they were acting within the law.”* (*R (Ngole) v University of Sheffield* 2017. Para 199 and 200).

The student then appealed against the outcome of the Judicial Review. The appeal was partially upheld in that the Court held that the university had been too quick to decide that Ngole was entrenched in his position.

*“137. The swift conclusion that the Appellant was ‘unteachable’, that it was for him to construe the Regulations and Guidance, for him to understand the impact of religious language on others unfamiliar with it, and that his failure to do so meant he must be removed immediately, do not seem to us to have been shown to be the least intrusive approach which could have been taken. It appears to us that this approach was disproportionate on the part of the University.” (R (Ngole) v University of Sheffield ([2019] EWCA Civ 1127)*

The court also upheld that the original aim of the withdrawal of the student cannot be so far reaching as to seek to prohibit controversial statements. However, that should be tempered with the need to ensure that service users will perceive that they will be treated with dignity and respect (R (Ngole) v University of Sheffield ([2019] EWCA Civ 1127 Para 105 and 106).

### *Discussion*

These different, but linked, cases present social work education with numerous challenges but perhaps also unique opportunities. Henrickson (2016) has argued that even the discussion of sexuality and spirituality together is likely to cause tension or dissonance but for social work this may provide rich and essential learning opportunities (Melville-Wiseman 2013). However, the challenges are difficult to navigate within the context of legal judgements and now case law (R (Ngole) v University of Sheffield ([2019] EWCA Civ 1127). So how should we seek to rise to these challenges in a social work practice-based context?

First, it remains important to challenge what students may feel mis-mandated or mis-compelled to do or say in the name of their religious views. However, it is difficult to do this without continuing

to teach them on their programme of study. Therefore, the expression of faith based views about homosexuality should not be a reason to refer someone to a fitness to practise process unless and until they have been given the opportunity to have their views challenged and to be taught about the impact of holding and expressing such views. This needs to include the risks they take to their ability to qualify as well as the risks they present to service users who may be upset by those views or find it difficult to trust someone who holds them. Students of all or no faith also need to experience wide ranging teaching on heterosexism, homophobia, lesbophobia, biphobia and transphobia and the impact on the people we work with and alongside. But they also need to be taught about the role of religion and spirituality in social work practice and become literate in these areas. Paradoxically, social work students also need to be supported to develop skills to work with people who may have opposing or similar views to their own whether about faith or sexuality.

Social work academics also need to develop skills and discernment about how social work and spirituality can co-exist and how both spirituality and sexuality (and the tensions between the two) can be mainstreamed in the curriculum. Student wellbeing services should also include spiritual guidance to support students to keep their faith, the law, their professional codes of ethics and their hoped-for careers. Finally, contemporary research agendas should focus on these issues and intersectionality within, about, and because of the tensions.

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