



Rachel Meade v Westminster City Council and Social Work England

Regulator ordered to pay damages

Jurisdiction: Employment Tribunal 2024

Sectors: Public, Social work

Causes of action: Belief discrimination, Harassment

Legal representation: Shazia Khan at Cole Khan (solicitor), Naomi Cunningham (counsel)

Decisions: [Ms R Meade v Westminster City Council and Social Work](#)

[England: 2200179/2022 and 2211483/2022](#)

Summary of events

Rachel Meade is a social worker with over 20 years' experience, employed by Westminster City Council (WCC). Meade holds "gender-critical" beliefs: that sex is a fixed, biological reality and not interchangeable with gender identity.

In 2019 Meade shared posts on her private Facebook account including links to petitions about male prisoners in women's prisons, women's right to sex-based protections and a fundraiser for a women's-rights organisation, Fair Play For Women.

A former colleague and "Facebook friend" of hers, Aedan Wolton, submitted a dossier of 70 of Meade's Facebook posts to regulator Social Work England (SWE) as evidence that Meade's views rendered her unfit to practise. Wolton alleged that Meade had signed petitions published by organisations "known to harass the trans community" and donated money to causes which "seek to erode the rights of trans people".

As a result, SWE launched a Fitness to Practise (FtP) investigation. Two case examiners were appointed to consider the case. One of them prepared a first-draft report concluding that there was no realistic prospect of a finding of impairment of Meade's fitness to practise, but the second, Graham Noyce (who also holds a teaching role at the Open University), persuaded her to change the conclusion of the report, potentially leading to a FtP hearing. Meade was offered the option of avoiding a hearing by accepting a sanction, and agreed, hoping this would be the end of the matter.

But by a process that was never clearly explained to the tribunal, after the sanction was published, her employer WCC, which had been supportive up to that point, suspended her on allegations of gross misconduct, citing the same Facebook posts. Disciplinary investigations were launched against three of her managers for failing to take disciplinary action against her sooner. Meade then withdrew her consent to the sanction, and SWE responded by preparing for a FtP hearing. Meanwhile, following the year-long suspension, WCC issued a final written warning, which Meade appealed.

Sex Matters is a charitable incorporated organisation number 1207701. Our case briefings are introductions to cases that concern the conflict between sex-based rights and policies and practices based on gender identity. Naomi Cunningham (chair of Sex Matters) was acting as counsel in her personal capacity. This information was compiled from public sources, last updated 9th May 2024.

SWE later abandoned the FtP proceedings and WCC overturned the gross misconduct finding.

“The fact and duration of her suspension had a very profound effect on her, and would inevitably have fundamentally eroded her dignity, given that her career was very important to her.” [paragraph 240]

Meade brought claims against both WCC and SWE for harassment, discrimination, and violation of freedom of expression, including:

- the right to hold and express lawful and protected gender-critical beliefs
- hostile, unnecessary and prolonged disciplinary processes
- damage to her professional reputation.

Findings by the tribunal

The Employment Tribunal found that Meade had been harassed on the basis of her gender-critical beliefs by both her employer and her regulator.

“It is apparent that the views expressed by the Claimant were not extreme but rather represented her expressing her opinion in an ongoing public debate.” [paragraph 278]

- Her Facebook posts and other communications were legitimate expressions of her protected beliefs.
- The posts did not incite hatred, violence or defamation.
- WCC’s disciplinary process amounted to harassment.
- SWE’s actions lacked proper justification and constituted harassment.
- Both respondents failed to strike an appropriate balance between Meade’s freedom of expression and their perceived obligation to prevent offence to others.
- Both respondents’ investigations were found to be inadequate and failed to assess the potential malicious intent of complaints against Meade.
- Both respondents imposed unreasonable restrictions on Meade’s freedom of expression, even following withdrawal of formal sanctions.

“We consider it wholly inappropriate that an individual such as the claimant espousing one side of the debate should be labelled discriminatory, transphobic and to pose a potential risk to vulnerable service users.” [paragraph 279]

Remedy

The tribunal ordered SWE and WCC to pay £58,344.11, including £40,000 for injury to feelings and an aggravated damages award of £5,000. Exemplary damages of £5,000 were awarded specifically against SWE for having “allowed its processes to be subverted to punish and suppress the Claimant’s lawful political speech” [paragraph 86]. The tribunal also awarded the claimant partial costs of £3,000. SWE and WCC were ordered to train managers on freedom of expression and protected belief.

Further reading: see sex-matters.org/case-briefings