



EMPLOYMENT TRIBUNALS

Claimant: Patrick Lee

Respondent: Institute and Faculty of Actuaries

Heard at: London Central (by video)

On: 29-30 July 2025

Before: Employment Judge Khan

Appearances

For the Claimant: Mr J Holbrook, counsel

For the Respondent: Mr B Jones, counsel

By a Judgment given orally on 30 July 2025, I decided that the Claimant's belief is protected for the purposes of section 10(2) of the Equality Act 2010 and written reasons having been requested by the Claimant, the following reasons are provided.

REASONS

This hearing

1. This preliminary hearing was listed to do the following:

To decide whether the Claimant's beliefs are philosophical beliefs for the purposes of section 10(2) of the Equality Act 2010.

2. Having withdrawn three of the four beliefs or lack of beliefs in the claim, the Claimant relies solely on the following belief (Details of Claim, paragraph 9(d)) ("the pleaded belief"):

"The belief that Islam, particularly in a traditional form – rather than a reformed, modernised, moderate and Westernised form – is problematic and deserving of criticism in so far as it fails:

- (i) To recognise a separation between religion (sacred) and politics (secular) and/or the Church and state,
- (ii) To value and respect fundamental human rights such as:
 - freedom of conscience and of speech,
 - to eschew and condemn violence in the name of religion (Islam),

- to treat and respect women and girls equally when compared to men and boys.”
3. By reference to the five criteria for protection under section 10(2) EqA, enumerated in *Grainger Plc and ors v Nicholson* [2010] ICR 360, the dispute between the parties is limited to whether the Claimant’s pleaded belief was genuinely held by him (“*Grainger* criterion 1”).
 4. The Claimant applied to amend the claim to introduce an alternative formulation of the pleaded belief. Having heard the parties’ submissions and considered the relative balance of hardship and prejudice, I refused the application for the reasons I gave. The Claimant failed to establish why the amendment was necessary, and therefore the prejudice he would suffer if the application was refused; whereas, were this application to be granted, the Respondent would suffer the prejudice that it would be required to amend its response in order to address the additional belief contended for, with reference to the *Grainger* criteria; additionally, this would disrupt the proceedings and delay the determination of this preliminary issue because it would be necessary to vacate this hearing to ensure that the Respondent had sufficient time to amend its response, with the likely consequence that the preliminary issue of whether the Claimant’s belief was protected would not be decided before the final hearing in February 2026.¹
 5. I would add that this application (and its timing) appeared to be premised on the misconception that it was necessary for the tribunal to conduct an enquiry to identify the Claimant’s belief, including with reference to the Respondent’s objections to the pleaded belief. I agreed with Mr Jones that it was for the Claimant to define the belief being relied on and for the tribunal to then decide on whether the belief so pleaded satisfied any of the *Grainger* criteria which were in dispute.

The evidence and the procedure

6. The Claimant gave evidence.
7. The Claimant produced a core bundle of 386 pages. The Respondent produced a Twitter bundle of 141 pages. I read the pages to which I was referred.
8. I also considered the parties’ written and oral submissions.
9. References below to [C/] are to the Claimant’s witness statement.

Analysis and conclusion

10. In essence, the Claimant contends that the pleaded belief adequately encapsulates his genuine core belief whereas the Respondent contends that the pleaded belief is an artificial and anodyne construction which is not reflective of the Claimant’s actual belief. The Respondent says that the Claimant’s belief is in fact substantially more extreme. In seeking to make

¹ As EJ Bradford emphasised, when listing this preliminary hearing, “It was in both parties’ interests, and in accordance with the overriding objective for this issue to be determined at an early stage” (Case Management Order sent to the parties on 8 May 2025, paragraph 52.).

good that assertion, the Respondent relies on some or all of the 83 tweets made by the Claimant between 20 March and 29 August 2020.²

11. Overall, I found the Claimant was a reliable witness because he gave cogent, consistent and credible evidence.
12. In his witness statement [C/5], the Claimant has characterised the pleaded belief as “a belief that unreformed Islam is problematic for Western liberal democracies”. The Claimant’s evidence [C/31], which I accept, is that he is (and was at all relevant times) critical of certain Islamic doctrines and practices, and not to individual followers of Islam or to the Islamic faith / religion at large. I also accept his evidence that his view was (and remains) that these doctrines and/or their interpretation require urgent reform.
13. In his witness statement [C/14], the Claimant has cited the following “traditional and unreformed Islamic belief[s]” that are that are incompatible with “Western values” in that they:
 - (i) advocate or justify violence against non-believers or apostates;
 - (ii) promote unequal legal status for women;
 - (iii) call for the death penalty for apostasy, blasphemy or homosexuality;
 - (iv) reject the separation of religion and state, and seek to impose religious law;
 - (v) promote antisemitism or hatred towards groups including reformed Muslims;
 - (vi) condone child marriage;
 - (vii) permit forms of slavery or indentured servitude;
 - (viii) justify domestic violence, including wife-beating and female genital mutilation (“FGM”).
14. The Claimant goes on in his statement to attribute these beliefs and practices to passages in the Quran and / or extracts from the hadith (i.e. the corpus of sayings or purported actions of the prophet Muhammad) (save for (iv)), which it is unnecessary to repeat here.
15. I accept that the Claimant believed the following at all relevant times. Firstly, that these core doctrines, being derived from the Quran and the hadith, espouse core beliefs or rules for living (i.e. what a religion teaches its adherents). Secondly, that these doctrines have and continue to be sanctioned by Islamic leaders as being authoritative. Thirdly, that if taken literally, these doctrines take precedence over local secular laws and present an ongoing risk of violence towards non-believers (i.e. non-Muslims or other Muslims who do not espouse the same literal reading of these texts), and towards women and girls, particularly in the form of child marriage / rape and FGM. Fourthly, that these doctrines are not only problematic but deserving of criticism because they inspire and are used to

² Having conducted an investigation, the Respondent concluded that 42 of these 83 tweets were offensive and / or inflammatory, with 29 of those 42 tweets also being found to have been designed to demean or insult Muslims (Amended Grounds of Resistance, paragraph 34).

justify such violent practices. Fifthly, that this state of affairs will persist unless and until these problematic texts are downplayed, if not disavowed, by Islamic leaders.

16. Although I accept that a corollary of the Claimant's belief is that reform of Islam is not only desirable but necessary, I do not agree with Mr Jones that a belief in the possibility of reform is a necessary element of the pleaded belief. A belief in the possibility of reform and a belief in the necessity of reform are quite different things. The words at issue in the first part of the pleaded belief (as highlighted)

“The belief that Islam, particularly in a traditional form – rather than a reformed, modernised, moderate and Westernised form...”

are, in my view, just a convoluted way of referring to “unreformed Islam”. They do not connote a belief in the possibility of reform but rather signal a qualification by the Claimant that his animus is with what he regards as an unreformed version of Islam. The fact that the Claimant agreed, when giving evidence, that his belief in the possibility of reform fluctuated in response to external events, to the extent that he felt that Islam was irredeemable at times, is not therefore relevant to the issue of whether the pleaded belief was held genuinely by him at all material times. The practical effect of this qualification means that until and unless Islam is reformed in the way that he believes is necessary, the Claimant will continue to be critical of the Islamic doctrines and practices which he finds so problematic.

17. Turning to the Claimant's tweets, I do not lose sight of the important distinction between the issue of whether a belief is genuinely held (i.e. *Grainger* criterion 1) and the way such a belief can be manifested, which was underlined by the EAT in *Forstater v CGD Europe* [2022] ICR 1 (at paragraph 77), although I agree, as Mr Holbrook conceded, that the way in which manifestations are expressed may serve to illuminate the underlying belief; indeed, the Claimant appeared to accept this principle when giving evidence. However, I do not find that these tweets and the pleaded belief are mutually exclusive. Nor incompatible. I find that the Claimant's evidence in relation to these tweets, that he was inveighing against the offending doctrines and practices because they continued to be treated as authentic and officially sanctioned by Islamic leaders, was not inconsistent with the pleaded belief. The degree to which the Claimant will be able to establish that these tweets were a manifestation of the pleaded belief or that the Respondent will be able to show that these were inappropriate manifestations of, or otherwise separable from, the belief, are matters which fall to be decided at the final hearing.
18. I therefore find that the Claimant has established that he genuinely held the pleaded belief at all material times, so that it is a protected belief, for the purposes of section 10(2) EqA.

19. Finally, I apologise to the parties for the delay in promulgating these written reasons.

Approved by:

Employment Judge Khan

30.10.2025

WRITTEN REASONS SENT TO THE PARTIES ON

3 November 2025

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FOR THE TRIBUNAL OFFICE