



EMPLOYMENT TRIBUNALS

To: Mr Clive Alton
Elmhirst Parker Solicitors
17-19 Regent Street
Barnsley
South Yorkshire
S70 2HP

14 East Parade, Sheffield, S1 2ET
Office : 0114 276 0348
Fax: 0114 276 2551
DX 10531 Sheffield

e-mail: SheffieldET@tribunals.gsi.gov.uk

Ms T Searl
South Yorkshire Police
Legal Services
Snig Hill
Sheffield
S3 8LY

Your Ref:

Date 16 June 2011

Case Number: 2803805/2010

Claimant
Mr A Farrell

V

Respondent
The South Yorkshire Police
Authority

EMPLOYMENT TRIBUNAL JUDGMENT

A copy of the Employment Tribunal's judgment is enclosed. There is important information in the booklet 'The Judgment' which you should read. The booklet can be found on our website at www.employmenttribunals.gov.uk/Publications/publications.htm. If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.


The Judgment booklet explains that you may request the employment tribunal to review a judgment or a decision. It also explains the appeal process to the Employment Appeal Tribunal including the strict 42 day time limit. These processes are quite different, and you will need to decide whether to follow either or both. **Both are subject to strict time limits.** An application to review must be made within 14 days of the date the decision was sent to you. An application to appeal must generally be made within 42 days of the date the decision was sent to you; but there are exceptions: see the booklet.

The booklet also explains about asking for written reasons for the judgment (if they are not included with the judgment). These will almost always be necessary if you wish to appeal. You must apply for reasons (if not included with the judgment) within 14 days of the date on which the judgment was sent. If you do so, the 42 day time limit for appeal

runs from when these reasons were sent to you. Otherwise time runs from the date the judgment was sent to you or your representative.

For further information, it is important that you read the Judgment booklet. You may find further information about the EAT at www.employmentappeals.gov.uk. An appeal form can be obtained from the Employment Appeal Tribunal at: Audit House, 58 Victoria Embankment, London EC4Y 0DS or in Scotland at 52 Melville Street, Edinburgh EH3 7HS.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'D J Lockwood', written over a horizontal line.

D J LOCKWOOD
For the Secretary of Employment Tribunals



EMPLOYMENT TRIBUNALS

Claimant: Mr A Farrell
Respondent: South Yorkshire Police Authority
Heard at: Sheffield **On:** Tuesday 24 May 2011
Before: Employment Judge Rostant

Representation

Claimant: Mr N Siddal of Counsel.
Respondent: Mr D Jones of Counsel.

ORDER

1. In order to make a deposit order against the Claimant in accordance with Rule 20 I must ascertain the ability of Mr Farrell to pay any deposit (see Rule 20(2)).
2. I have heard no evidence on that issue.
3. The parties are required to write to this Tribunal by not later than 29 June 2011 stating whether they are content for this aspect of the matter to be dealt with by written evidence and submissions.
4. If so, the Claimant shall supply a statement of means to the Tribunal by not later than 6 July 2011 and both parties may make submissions about the appropriate amount by not later than 13 July 2011.
5. This matter will, in addition be set down for a Telephone Case Management Discussion as soon as possible.

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Employment Judge Rostant

Date: 15 June 2011



EMPLOYMENT TRIBUNALS

Claimant: Mr A Farrell
Respondent: South Yorkshire Police Authority
Heard at: Sheffield **On:** Monday 23 May 2011
(In Chambers):
Tuesday 24 May 2011
Before: Employment Judge Rostant

Representation

Claimant: Mr N Siddal of counsel
Respondent: Mr D Jones of counsel

RESERVED JUDGMENT

1. I find that the Claimant's belief does not satisfy the definition of "belief" in Regulation 2(1)(b) Employment Equality (Religion or Belief) Regulations and all claims brought under those Regulations are struck out.
2. The Claimant is to be required to pay a deposit as a condition of continuing with his claim of unfair dismissal.
3. The amount of that deposit shall be determined following further enquiry by the Tribunal.

REASONS

1. Background to the case.

By a claim presented to the Employment Tribunal on 30 November 2010, the Claimant complained that he had been unfairly dismissed and subjected to discrimination on the grounds of his religion or belief. The Claimant had been employed as a Principal Intelligent Analyst and had been dismissed by the

Respondent on 2 September 2010. The Claimant had been tasked with producing an annual assessment of strategic threat risk assessment for the South Yorkshire Police Authority area. This was to be done under the following headings; Threat to Life, Community Harm, Individual Harm, Force Reputation, Economic Harm to Community, Financial Harm to the Force and Cross Border and was to be an analysis of the threats posed under those various headings of a variety of crimes, the first two being terrorism internal and other terrorism external. The Claimant produced an assessment matrix which ascribed to internal terrorism a threat level of 100% under all the various headings and, to all other risks, zero percentage save for "terrorism external" where there was a final score of 1% although it is impossible to see from the matrix where that 1% was derived from since all the scores under the various headings are 0%. The Claimant also attached to that document a Force Control strategy document for 2010/2011 in which he described citizen and community focus, serious organised crime and motor crime, protecting vulnerable people and tackling crime as irrelevant and, under the heading of terrorism and domestic extremism which he headed:

"The Truth about 7/7 (a reference to the London bombings of 7 July 2007), The Truth about 9/11 (a reference to the September 11 attack upon the World Trade Centre in New York)"

Those two headings were followed by a report which starts with the following words:

"This report arises from your Principal Analyst holding views which run contrary to the UK Government's rhetoric on the events such as 9/11 and 7/7. It considers the rapidly developing ideology referred to in this report as the New World Order. From my own self assessment the report outlines how my relatively new but radical opposing views are becoming increasingly problematic both from a personal, managerial and organisational perspective."

The document went onto outline the Claimant's views that 9/11 and 7/7 were "false flag operations" authorised by the respective national governments in order to give material with which the respective governments could persuade their respective populations to support foreign wars. Under the heading "My Summary" (see page 85 of the bundle) the following words appear:

"For the remaining time I am employed with South Yorkshire Police I want to tirelessly and peacefully search for the truth. I don't much care in what role I do this. To me nothing else matters as without knowing it, we are spiralling towards a state of war every bit as dangerous as we were when Neville Chamberlain declared peace in our time in 1939. Unfortunately on this occasion, the threats are far less visible, equally putrid but potentially many times more dangerous. They come from within our own camp but are hidden in the power and hold that the secret societies and global elite and the giant world banking establishments have over near bankrupted governments. In the UK – standing shoulder to shoulder with the USA over foreign policy in the Middle East – ours has long since been corrupted. Frankly we are in a terrible mess and the nation has become too stupid to realise it.

My honest view as a Principal Analyst is that all other threats pale into insignificance when compared to the inner corruption in high places and

government. Ultimately, by fair means or foul this inner corruption has to be exposed and the Police Service and the Intelligence Services have their own value decision to make. Who is brave enough to take a contra position for the sake of our freedoms? I recognise that this stance is not likely to be embraced immediately and will probably be seen as unacceptable to senior managers. That does not make it wrong. Unfortunately, I see few others in the Police Services having the courage to stand up and attempt to expose the ignoble lies on behalf of the public we serve. Yet if we just do nothing and bury our heads in the sand we are every bit as complicit in the tyranny."

The summary went onto say that the failure by the Police Service to arrest Mr Blair was to be complicit in the evil and the report, save for a quote from Ephesians Chapter 6 versus 10 to 13, concludes as follows:

"The real truth behind 9/11 and 7/7 render the Government's Counter-terrorism Strategy and our Control Strategy of PREVENT and RICH picture and counter-terrorism local profiles as utter shams crafted to divert attention from their own secret scheming and evil ways of the elite. It needs dismantling and overhauling fast. All this to my mind invalidates the force controls strategy unless this stance is reflected within."

Ultimately, that report resulted in a disciplinary hearing of 2 September 2010. It was the Respondent's case that the Claimant's expression of views were incompatible with his contract of employment as Principal Analyst and precluded him from discharging his role. The matter was dealt with by Mr Hiller who took the view that the Claimant's position of Principal Analyst was untenable and the Claimant was dismissed. The Claimant appealed and that appeal too was dismissed.

2. Background to this Hearing

The matter came before me at a Case Management Discussion on 15 February 2011 and I produced my Case Management Order on the same day. Both parties were represented by Counsel. The parties agreed that it was appropriate to hold a Pre-Hearing Review to consider the question as to whether or not the Claimant's "separate philosophical belief" expressed as being set out in paragraph 4 of the claim form was capable of constituting a belief attracting protection under Regulation 2(1) of the Religion and Belief Regulations 2003. The secondary question was whether or not the claim or any part of it should be struck out as having any reasonable prospect of success or in the alternative whether the Claimant should be required to pay a deposit as a condition of continuing with any other contentions contained in this claim.

3. The Claimant gave evidence on his own behalf. He was represented by Mr Siddall of Counsel. The Claimant's witness statement was taken as read and the appendices attached to the Claimant's witness statement were considered albeit, at Mr Siddall's invitation, not in minute detail. Both Mr Siddall and Mr Jones prepared helpful skeleton arguments which I read before hearing Mr Farrell's evidence. Both Counsel made relatively brief closing submissions to which I shall refer later.

4. The law

In this case, the parties are agreed that the discrimination complaint is brought on the basis of belief rather than religion and the definition in Reg 2(1)(b) Employment Equality (Religion or Belief) Regulations 2003 applies. The complaint of unfair dismissal is brought under the provisions of S94 and S98 Employment Rights Act 1996. My powers to strike the claim or claims out as standing no reasonable prospect of success are to be found at Rule 18(7)(b) Schedule 1 Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 and my power to order a deposit as a condition of continuing with any contention, on the grounds that it stands little reasonable prospect of success is to be found at Rule 20 of the same Rules.

5. The Parties' Submissions and My Conclusions on the Question of Religious or Philosophical Belief

5.1 It would be helpful for me to set out paragraph 4 of the Claimant's claim form which reads in its entirety as follows:

"Further by reason of his religion and/or by reason of his separate philosophical belief the Claimant holds the following view:

- (i) The world faces the risk of the ascent of the "New World Order".
- (ii) The establishment of the New World Order is the goal of a global elite which seeks to introduce a secret satanic ideology to enslave the masses and claim control of the world's resources;
- (iii) The global elite seeking the establishment of the New World Order are intrinsically linked to secrete societies such as Free Masonry and include the leaders of the United Kingdom, the United States governments and international financial institution;
- (iv) The attacks of 7 July 2005 and 11 September 2001 were in fact perpetrated by the governments of the UK and the USA against their own citizens for the purpose of building support for their foreign policy agenda;
- (v) The media is controlled by the global elite and it wrongly overstates the risk of terrorist attack on the UK to seek to build support for its foreign policy agenda;
- (vi) The wars in Iraq and Afghanistan are unjustified and morally wrong as they are for the sole purpose of furthering the New World Order.

In fact, although all parties clearly understood the matter to be a case relating to philosophical belief when discussing the matter with me in Case Management Discussion as reflected by my Order, at the hearing Mr Siddall sought to assert that, in fact, the relevant beliefs were a mixture of the philosophical and religious and, helpfully, Mr Jones did not seek to prevent the Claimant from advancing the case on that basis. Accordingly I was content to approach the matter on that basis too.

5.2 During his evidence, it became clear that the Claimant is an adherent to what may be termed "End Time" theological views. That is to say that he has become an adherent to a relatively well recognised strand of, particularly, Protestant Christian theology which, basing itself in large measure upon the Book of Daniel and the Book of Revelations, concludes that the end of the world will be presaged by the rising up of something called the New World Order. Mr Farrell's own religious convictions have moved over time. He was brought up a Roman Catholic but relatively recently has become a convert to Methodism and even more recently, based upon his reading of the bible and other texts, has come to hold the End Time theological views outlined above. A full explanation of the Claimant's beliefs in this regard is set out at paragraphs 5 to 10. At paragraph 10 the Claimant says

"I accept that this is not mainstream Christian interpretation but nevertheless it is seen as a valid belief within Christian theology. Such beliefs are arguably most closely match that of a Seventh Day Adventist."

5.3 The Claimant goes on to explain that the New World Order, made up as it is of human actors, comprising the members of secret societies such as, but not limited to, Freemasons, the members of various governments including that of the UK and the United States, world banking institutes and the global media is, nevertheless, under a satanic influence. Its hidden goal is to create a one-world, Fascist government, stripped of nationalist and racial boundaries, obedient only to its own agenda (see paragraph 15 of the Claimant's witness statement). The Claimant is particularly concerned with part of the secret agenda of the New World Order which is the obliteration of bible believing Christianity under a one world religion. At paragraph 20, the Claimant goes on to set out what he describes as the "separate philosophical components of my beliefs."

They are as follows:

- (a) Both Freemasonry and the New World Order are satanic and the ascent of the New World Order is part of the anti-Christ system and the fulfilment of end time prophecy.
- (b) The wars in Afghanistan and Iraq are morally wrong and a furtherance of the satanic New World Orders agenda and
- (c) The false flag attacks of 9/11 and 7/7 were perpetrated in furtherance of the New World Order agenda.

5.4 It seems to me that the membership of the New World Order and its satanic character and the fact that its ascent is part of the anti-Christ system seem to me to be not philosophical but beliefs derived from the Claimant's reading of scripture and are religious in nature. However, I think the Claimant has more properly ascribed his beliefs in the immorality of the wars in Afghanistan and the "false flag" nature of the attacks of 9/11 and 7/7 to the heading of philosophy. This is particularly so since the Claimant was happy to accept in questioning from me that there was nothing that flowed from his adherence to End Time theology and the existence of the New World Order that inevitably led him to conclude that 9/11 and 7/7 were false flag attacks and that the wars in Afghanistan and Iraq are manifestations of the New

World Order's ascent. He accepted that those were beliefs which were held by people with no religious background and he accepted that there were many people who believed in End Time theology and, indeed believed in the existence of the New World Order, who did not necessarily accept his explanation for the "terrorist" attacks of 9/11 and 7/7 or the fact that the wars in Afghanistan and Iraq are manifestations of the New World Order's ascent.

Upon further questioning the Claimant clarified that he believed that points 1 to 3 in paragraph 4 were essentially religious belief and points 4 to 6 inclusive were essentially philosophical beliefs albeit that they were connected one with the other by a logical chain of thought.

5.5 Mr Farrell is clear in his own mind that there are aspects of the belief which he relies on as affording him protection from discrimination which are philosophical in nature. It seems to me to be common ground that it is the philosophical aspects of the belief that are those which have really caused Mr Farrell's particular difficulties at work. On his own evidence he was perfectly prepared to continue to develop and produce a strategic risk assessment on the terrorist threat in what might be regarded as the conventional basis despite the fact that he had developed the End Time and New World Order beliefs described above. His difficulty only arose when, in addition to those beliefs, he developed the belief that 9/11 and 7/7 were false flag operations carried out by the respective national governments as aspects of their membership of the New World Order. For this reason, and understandably, much of the hearing concentrated on that aspect of Mr Farrell's beliefs and, to a lesser extent, on the aspect of his belief that identifies the world media as being part of the New World Order. The significance of that latter point is that it appears to me that Mr Farrell readily accepts that without that component the gigantic hoax that is represented, in his belief, by the official narratives concerning 9/11 and 7/7 would simply be impossible.

5.6 In the course of submissions by both Mr Jones and Mr Siddall I was helpfully referred to a number of authorities the most recent of those is the case of Granger -v- Nicholson [2010] IRLR 4. That is a case which relates to a philosophical belief. At paragraph 24 Mr Justice Burton sets out a summary of what limits are to be placed upon the definition of philosophical belief for the purposes of the Regulations. Both parties addressed themselves to the issues raised in that paragraph and, indeed, Mr Farrell's witness statement is organised by reference to the matters set out in that paragraph. Before I address those particular submissions I should observe that the guidelines offered by Mr Justice Burton are not themselves entirely unproblematic. For example, although there is no particular conceptual difficulty in the question as to whether or not the Claimant genuinely holds the belief, distinguishing between belief on the one hand and opinion or viewpoint on the other presents very real difficulties. The third point, at least in this case, is relatively straightforward to deal with but the fourth is not since Mr Justice Burton does not say what level of cogency, seriousness, cohesion and importance would be satisfied other than to say "a certain level". In construing that part of Mr Justice Burton's decision, I have borne in mind that one of the questions before the Employment Appeal Tribunal was how far, if at all, a philosophical belief is required to be similar to a religious belief in order to qualify for a protection. That question is answered by Mr Justice Burton, at least indirectly, by concluding that the question of the definition can be approached with the

assistance of ECHR jurisprudence and in particular the decision of (on the application of Williamson) –v- The Secretary of State for Education and Employment [2005] 2AC 246HL and Campbell –v- United Kingdom [1982] 4EHRR 393ECHR. Many of the points set out at paragraph 24 derive from the judgment of Lord Nichols in Williamson and that paragraphs 23 and 24 of that judgment are set out extensively at paragraph 22 of the EAT's judgment in Granger. It seems to me that Williamson explicitly recognises that equivalent tests must be applied to both religious and philosophical belief but makes it clear that those tests may be more easily met by religious belief than philosophical belief. Of particular relevance to my decision is the following passage taken from paragraph 23 of Lord Nichols speech in Williamson:

"The belief must also be coherent in the sense of being intelligible and capable of being understood. But, again, too much should not be demanded in this regard. Typically, religion involves belief in the supernatural. It is not always susceptible to lucid exposition or, still less, rationale justification. The language used is often the language of allegory, symbol and metaphor. Depending on the subject/matter, individuals cannot always be expected to express themselves with cogency or precision nor are an individual's beliefs fixed to static for them."

The significance of that passage is that I take it to be the principal source for bullet point 4 in paragraph 24 that is to say that the belief must attain a certain level of cogency, seriousness, cohesion and important. That is important because it is that aspect of the Granger test which I consider Mr Farrell's beliefs fail to meet.

6. Why I do not consider that Mr Farrell holds a philosophical belief

6.1 As I have already said, considerable time in the hearing was expended on the question of Mr Farrell's belief in relation to 9/11 and the involvement of the media. Mr Siddell conceded, properly, that Mr Jones was fully entitled to conduct a forensic examination by cross examination of the nature of those beliefs. That concession could only have been on the basis that Mr Siddell acknowledged that there is a requirement that Mr Farrell's beliefs met the test that they attained a certain level of cogency and coherence. I take the view that the words cogency and coherence, whilst bound to inform each other are different in meaning but part of one test. Mr Siddell's submission was, however, that I should pay serious heed to Lord Nichols injunctions that not too much should be expected in this regard and to note the similarity of requirements for establishing a philosophical belief from a religious belief. Mr Siddell said there was particular force to that submission in this case where the philosophical belief, as it were, followed on from or derived from a religious belief. I entirely take the force of Mr Siddell's submissions but nevertheless it is clear from the authorities that some sort of objective assessment of the cogency and cohesion of the philosophical belief is expected of the Tribunal. Mr Jones's submission was, unsurprisingly, that the beliefs held by Mr Farrell completely failed to meet even a bare minimum standard of coherence and cohesion. I agree with Mr Jones.

6.2 In reaching that conclusion, I make it clear that I do not consider that it was not any part of Mr Farrell's task to persuade me of the rightness of his convictions nor was it any part of his task to show that his convictions were shared by a large number of people. In this regard, the judgment of Elias P Eweida -v- British Airways Plc [2009] IRLR 78 paragraph 29 and the judgment of Mr Justice Burton in Granger paragraph 26 are clear. However it seems to me on my reading of the authorities that it is my task to bring some measure of objective scrutiny to bear upon the beliefs advanced by Mr Farrell.

6.3 Although I have been concerned with all of the points set out in paragraph 24 of Granger some seem to me to be easily met. Mr Jones does not seriously challenge the genuineness of Mr Farrell's belief and indeed Mr Farrell's sincerity and honesty shine out from his witness statement and the manner of his giving evidence in Tribunal. There is little doubt that Mr Farrell's beliefs relate to weighty and substantial aspects of human life and behaviour. They relate to the political and religious governance of the entire human race. Although I took Mr Jones to be suggesting that the beliefs of Mr Farrell might not be worthy of respect in a democratic society, it seems to me that there is absolutely nothing incompatible with human dignity in Mr Farrell's beliefs, although they contain within them shocking statements about the motivation of many people who might be thought to derive their legitimacy from an obligation to work in the interests of the citizens of their state. As I have already said, the area of principal difficulty for Mr Farrell lies in the requirement to attain a certain level of cogency and coherence. This seems to me to be a more difficult thing to achieve when beliefs are about matters where there is a substantial amount of evidence in the public domain, as opposed to where beliefs relate to the unknowable for example the existence of the deity. In that context the assessment of cogency and coherence must take into account the broadly accepted body of knowledge in the public domain.

6.4 Unfortunately, Mr Farrell's evidence on the false flag operations and media control was relatively scant. (See paragraphs 30 and 31 of his witness statement.) He started with a proposition that he did not claim to know exactly what had happened during the attacks of 9/11 and 7/7 but then asserted his belief that they were both false flag operations. In paragraph 31 I took him to be setting out the reason for that belief by reference to Hegelian Dialectic theory. He then described as "weighty proponents" supporting this theory as Professor David Ray Griffin and Professor David McGregor. Very little more is said about Professor McGregor but the claimant did annex an article by Professor Griffin to his statement. On the latter point it should be noted that Professor McGregor's article appears to be more in the nature of an essay and is entirely unreferenced. It says that the London bombings "may be an instance of what I have called Machiavellian state terror" and also suggests indeed that the 9/11 attack "might also be such an incidence." Professor McGregor goes on to suggest that the four men identified by the Police as responsible for the London bombings were nothing of the sort and suggests that the Police narrative that those bombers all blew themselves up in the course of their attacks is somehow untrue. Indeed many of Professor McGregor's question marks and assertions are shared by Mr Farrell and it is obvious that Mr Farrell is deeply influenced by Professor McGregor's thoughts. However the fact must remain that for every Professor McGregor there are at least ten other commentators expressing contrary views and the

difficulty for Mr Farrell is that the conspiracy theory he advances remains, in the light of subsequent events and the weight of evidence, wildly improbable. There is no body of respectable academic commentary in peer reviewed journals that supports the theory, or at least none that I have had drawn to my attention. I do not regard Professor McGregor's article as satisfying that description as I have already said it is unreferenced and was published for what I take to be an on-line journal entitled J7.

6.5 Once Mr Farrell was required to answer questions about his beliefs, their Incoherent nature became all too apparent. Mr Farrell's view was that the four bombers were not blown up in the July 7th attacks but were young men who had been persuaded to act the part of terrorists for a drill. In this context he explained the suicide video left by one of the "supposed" suicide bombers in the 7/7 attacks as "acting" by a man playing the part of a bomber for a drill. He and the other three men filmed on their way to the attacks were, it seems not blown up by their own bombs but killed by security forces at Canary Wharf to prevent them from subsequently revealing their role as innocent dupes. In this regard, a Mr Philip Powell of an organisation called Vista Security was implicated. He had been interviewed on the day of the attacks saying that he had been invited to set up a training exercise for a putative terrorist threat. The exercises involved 1,000 people and was at the exact sites as where the attacks actually occurred. When it was pointed out to Mr Farrell that if Mr Powell was really part of the conspiracy it would seem unlikely that he would then make such a glaring admission on national television, Mr Farrell changed tack and suggested that perhaps Mr Powell too was not knowingly part of the conspiracy but was an innocent dupe. Mr Powell remains alive as far as is known. Mr Farrell could not explain why not one person of the 1,000 people allegedly involved in the drill had not come forward. When confronted with the obvious fact that the 7/7 bombings had been investigated exhaustively by a six month inquest presided over by Lady Justice Hallet which has in no way challenged the official narrative and which took evidence from a large number of survivors, emergency workers and lower ranked Police Officers. Mr Farrell's conclusion, arrived at for the first time during the hearing was that Lady Justice Hallet must also be involved in the conspiracy.

6.6 When questioned about the media's involvement, Mr Farrell made it clear that there were certain matters of fact which he accepted unreservedly. For example, he accepts the fact that thousands of people died on 9/11 and 52 people had died on 7/7. This is despite the fact, as he accepted, that he knew this only from the media. He could not explain why, if there was a global media conspiracy of such power that the world could be convinced of such an outrageous hoax, there was any need to perpetrate the attacks at all. Furthermore the idea of a global media conspiracy posits a uniformity of voice which is evidently absent. For example, there are national newspapers in the UK which evidently accept the official narrative of the 7/7 bombings but continue to publish opinion pieces and news reports critical of the war in Afghanistan. It is this war and the war in Iraq which Mr Farrell believes is, ultimately the purpose of the false flag attacks. Mr Farrell posited a global media conspiracy without beginning to explain the evidence for this inherently unlikely construct, save that without it the rest of his beliefs are unsustainable. That type of bootstrapping logic, so often a feature of conspiracy theories of all types, lacks anything about it to which the word cogent could be applied.

6.7 Another example of the internal contradictions inherent in Mr Farrell's position lies in his views on the truth about 9/11. He explained that he was sceptical that the Twin Towers had collapsed as a consequence of the airplane collisions although he did not challenge the fact that the collisions had taken place (he thought that they might have been arranged by remote control). This scepticism was key to his growing understanding that the whole official narrative was so flawed that the only possible explanation was that it was a gigantic and evil lie. The sheer illogic of his position on 9/11 was startling. If the purpose of those attacks was to outrage the American public into supporting the American government in foreign wars, the purpose of the American government in that regard would clearly have been amply served by the aeroplane strike without the subsequent catastrophic collapse of the buildings, which the Claimant believed had been engineered by the Secret Service detonated bombs on the inside of the building. As with all conspiracy theory, the huge body of evidence against the theory is dismissed as the deliberate laying of a false trail by immensely powerful people who are themselves part of the conspiracy. How it is that, in the face of so much power and control, he had been allowed to discern the truth by, in part at least, reading published materials, Mr Farrell never explained.

6.8 This leads to another area of difficulty, which is the size of the conspiracy. The "false flag" operations were ordered it seems, by the relevant governments of the day. Those governments have been replaced, in bitterly fought elections, by governments of different political outlooks. The Blair government is implicated but so is the Brown government and the subsequent coalition government, both of which have continued the wars said to be the point and purpose of the 7/7 hoax. The same is true in the USA where, if Mr Farrell is correct, President Obama must as equally be involved as Mr Bush. Whilst, as I have said I have no doubt about the sincerity of Mr Farrell's philosophical beliefs, in my judgment they signally fails to meet any minimum standard of cogency or coherence. Indeed, applying an objective test they are absurd beliefs albeit sincerely held. They do not, for that reason alone, attract the protection of the Regulations.

6.9 I turn now to another matter which was canvassed by Mr Jones which is the questions as to whether or not this is a belief or merely an opinion. The relevant authority in this regard is the case of McClintock -v- Department of Constitutional Affairs [2008] IRLR a decision of the Employment Appeal Tribunal presided over by Elias P. Paragraph 45 of that judgment the then President of the EAT said as follows:

"As the Tribunal in our view correctly observed, to constitute a belief there must be a religious or philosophical viewpoint in which one actually believes. It is not enough to have an opinion based on some real or perceived logic or based on information or lack of information available."

That case involved a Christian who was also a justice of the peace and who asked to be excused from presiding over adoption applications made by same sex couples. The philosophical aspect of his belief was founded on his observation that the evidence to support the view that single sex parent could ever be in the child's best interest was unconvincing, although he did not discount the possibility that research might reconcile that conflict. However, whilst the evidence remained as it was, he did not consider that children

should be made guinea pigs of what he regarded as a social experiment. Mr Jones relies on that passage in suggesting that the Claimant's beliefs about 9/11 and 7/7 are no more than opinions based on information. He particularly relies on Mr Farrell's evidence that he could conceive of a possibility that he might be wrong. It was Mr Jones's submission that Mr Farrell's position was therefore simply a matter of opinion. Mr Siddell's submission, to the contrary, was that it was clear that whilst Mr Farrell was conceding of a logical possibility, it was not one that he thought was likely. He did not believe that he was wrong nor was he really open to persuasion. It was clear that he had formed a settled belief. I prefer Mr Siddell's submission on this point. I have no doubt that Mr Farrell's position is very different to that of Mr McClintock. Mr Farrell has viewed all of the evidence and as an Analyst come to a conclusion that the evidence points in one direction and not another. Whilst as an intelligent man he is prepared to admit that he might be wrong in his analysis, he does not believe himself to be wrong. Mr McClintock on the other hand simply remained to be convinced of a particular point of view and took the view that the status quo should prevail at least for himself until he was so convinced. In the meantime, doubtless, his religious views played some part in determining what status quo should look like. I think there is a genuine distinction to be drawn between those two positions and I think that Mr Farrell falls the right side of the line in holding what seems to me to be a genuine belief albeit one which fails the test of cogency and coherence as I have set out above.

6.10 It follows from my conclusion that Mr Farrell does not hold a belief which meets the definition in the Regulations that all claims relying on that must be struck out, leaving only his complaint of unfair dismissal.

7. The decision on the complaint of unfair dismissal.

7.1 Although I cannot go so far as to say that this claim should struck out as standing no reasonable prospect of success, in my judgment it would be right for me to order a deposit as a condition of Mr Farrell pursuing it. At the beginning of my judgment I quoted extensively from Mr Farrell's report, the report which ultimately led to his dismissal. It is clear to me that Mr Farrell, at least in his initial presentation to his employers, was delineating a position for himself which he recognised was in conflict with his continued employment with the Respondent. In short, he wished to occupy himself in his employment with the Respondent in the pursuit of what he regarded as the obvious truth, that is to say that what terrorist threat exists in this country emanates from the government and not, for example, from radical Islamist terror groups. The logic of that for South Yorkshire Police Force was that if they came to accept Mr Farrell's view the Police Force would be derelict in its duties to the public in not investigating that terrorist threat, a point which Mr Farrell also made explicit. Mr Siddell urged upon me the view that a complaint of unfair dismissal required the Respondent to show a potentially fair reason for dismissal and that was a matter for assessment by three members of the Tribunal. I would simply observe that Rule 18(7) permits applications of this nature and permits a judge, sitting alone, to decide whether complaints of unfair dismissal (and other complaints) stand any reasonable prospect of success. That must include an objective assessment of the evidence, taken at its highest for the Claimant, set against the relevant legal principles. The

Claimant was dismissed by letter of 7 December. The operative paragraph is as follows:

"He (Mr Hiller, the dismissing officer) had listened carefully to both cases. He felt that it was clear that the Chief Constable's and the Police Authority's priorities at present are to present a balanced service which meets the needs of local communities. The Control Strategy is one document which summaries the key policing priorities in order for the Police Authority to give the force the resources to serve the needs of the local communities. He felt that the supporting statements you presented indicated that your sincere beliefs and opinions around world terrorism meant that as Principal Analyst you are no longer able to produce a Control Strategy for the Director of Intelligence which was proportionate to the risks the community faced. Your priority concerned global and national perspectives which are out of balance with the priorities in South Yorkshires local communities."

That seems to me to be the very clearest indication that the Respondent would advance a reason relating either to capability or some other substantial reason and it seems to me to be no part of Mr Farrell's case that he was dismissed for any other reason than the views he advanced in his report to his line manager. I think it unlikely in the extreme that a Tribunal would conclude that the Respondent in the circumstances could not show a potentially fair reason for the dismissal.

7.2 I have not, however, been prepared to conclude that Mr Farrell stands no reasonable prospect of success since it may be that an argument could be made that dismissal fell outside of the reasonable range of responses. This seems to me to depend significantly on evidence to which I have not had access, as to what possibility there was of keeping Mr Farrell away from analysis in relation to terrorism and whether in any event the confidence of the Chief Constable and Police Authority in Mr Farrell as an Analyst generally was so (reasonably) shaken that dismissal was the only possible option. However, I do take the view that there is little reasonable prospect of success in Mr Farrell persuading a Tribunal that dismissal fell outside of the reasonable range of responses particularly given the passages I have quoted and Mr Farrell's own admission that he understood his position to be in fundamental conflict with the Police Force. That was conflict which could only be resolved if the Police Force came to adopt his views as to the nature of the terrorist threat.

7.3 In the circumstances, it will be my order that Mr Farrell be required to pay a deposit. However, I heard no evidence from Mr Farrell as to his means and I am required to hear such evidence before settling the size of the deposit. Accordingly, unless the parties can agree to have the matter dealt with in writing there will need to be a very brief reconvened hearing for me to consider that aspect of the matter.



Employment Judge Rostant

RESERVED JUDGMENT SENT TO THE PARTIES ON

..... 16 June 2011

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FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS