

**IN THE HIGH COURT OF JUSTICE
KIING’S BENCH DIVISION
ADMINISTRATIVE COURT**

BEFORE MRS JUSTICE LANG

THE KING

on the application of

GLAWDYS LEGER

and

SECRETARY OF STATE FOR EDUCATION

PRESS SUMMARY

1. The Claimant, a school teacher, applied for judicial review of the Defendant’s decision, dated 11 December 2023, that she was guilty of unacceptable professional conduct, under section 141B(1) of the Education Act 2002. She was not prohibited from teaching but the finding of misconduct was published, in accordance with regulation 8(5) of the Teachers’ Disciplinary (England) Regulations 2012.
2. The Claimant had previously been dismissed by her school employers, but the dismissal was not the subject of these proceedings.
3. The case was considered on behalf of the Defendant by a Professional Conduct Panel (“the PCP”) which comprised two teachers and a lay panellist, assisted by a legal adviser. The hearing, which was held in public, took place over 5 days.
4. The allegations and the findings were as follows:

“You are guilty of Unacceptable Professional Conduct
[Proved]

and/or conduct which may bring the profession into disrepute
[Not Proved]

in that:

1) Whilst working as a teacher at Bishop Justus Church of England School in or around February 2022 you made inappropriate comments whilst teaching a class with words to the effect of:

a. Being and/or LGBTQ+ is ‘not fine’; **[Proved]**

b. LGBTQ+ is a sin; **[Proved]**

c. that God should be before LGBTQ+; **[Proved]**

d. God will love you more if you are not LGBTQ+; **[Not Proved]**

e. people will always be seen by God as having their birth gender; **[Proved]**

f. that transgender people are ‘just confused’ **[Proved]**

2) Your conduct at Allegation 1 was contrary to Fundamental British values in that it lacked tolerance to those with different beliefs. **[Not Proved]**”

5. The PCP considered that the proven comments at 1(a) to (f) were inappropriate for the following reasons:

“Having found that Ms Leger made the comments as set out at particulars 1a, 1b, 1c, 1e and 1f, the panel went on to consider if those comments were inappropriate. In doing so, the panel had regard to the following factors:

1. The duty on teachers and schools to provide a broad and balanced curriculum.

The panel was provided with PowerPoint slides taken from the scheme of work which comprised of a number of lessons. Prior to delivery Ms Leger discussed concerns about LGBT+ content with the School chaplain. In her statement, she wrote "I remember leaving and saying that this was going too far now and that I am going to tell them (my pupils) the Truth...".

The panel noted that Ms Leger was determined to tell the class her views.

Following this, Ms Leger decided in lesson 4 on 8 February 2022 to tell her class that she would not be teaching lesson 6 because of LGBTQ+ content, which for religious reasons she could not support.

This resulted in pupils not receiving a balanced curriculum in line with the School's religious education policy, namely

"Religious education will challenge stereotypes, misinformation and misconceptions about race, gender and religion. It seeks to present religions and world views in all their richness and diversity in terms of beliefs, traditions, customs and lifestyle in a sensitive and accurate way in order to encourage a positive attitude towards diversity. All questions, views, and opinions will be treated with sensitivity and respect."

2. The uniquely influential role teachers play in views of the world and the risk of introducing bias.

The panel had in mind paragraph 3.32 of the Department for Education departmental advice for school leaders, school staff, governing bodies and local authorities on the Equality Act 2010 and schools, dated May 2014, which stated:

"3.32 – ...it should be remembered that school teachers are in a very influential position and their actions and responsibilities are bound by much wider duties than this legislation".

This is relevant when considering Ms Leger's decision only to present her views on this aspect of the curriculum.

3. Not taking account of other strands of Christian views or of those with no religious views. The panel noted the School's Religious Studies policy, which states:

"...we not only promote a rigorously academic curriculum but also foster students' curiosity and ability to question critically and think deeply..."

"...although the teacher is objective and challenges the students to critically evaluate religious beliefs and practices, we live in a pluralistic society and indeed RS teachers and students are of different faiths and none. Opinions are not accepted freely but challenged and students are encouraged to see how beliefs and ideas impact on everyday life and become actualised in reality."

Ms Leger's conduct was therefore not aligned with School policy."

6. The PCP found that allegation 2 was not proved because it accepted that the Claimant was tolerant of people from all backgrounds and different beliefs.
7. The PCP found that the proven allegations amounted to unacceptable professional conduct. It stated:

"The panel was satisfied that the conduct of Ms Leger in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Ms Leger was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.

The panel found that Ms Leger's comments lacked respect for the rights of others.

However, the panel did not find that her comments derived from a lack of tolerance. The panel was concerned that in expressing her personal beliefs as the Truth, Ms Leger failed to understand that her position of influence as a teacher could have a disproportionate impact on all pupils in the class.

The panel found that Ms Leger's actions were at risk of upsetting pupils in the lesson. However, the PCP was satisfied that Ms Leger had no intention of causing distress to pupils.

In having regard to the ethos, policies and practices of the School, the panel noted that Ms Leger had:

- Previously not shown a video about LGBTQ+ issues to her class; and
- Removed an Equality Diversity and Inclusion (EDI) poster which featured three candles bearing these words but made no reference to LGBT.

The panel found that Ms Leger's choice not to present a balanced view undermined the School community's aspiration to provide a supportive environment for children who may be exploring sexual identity.”

8. The PCP heard submissions on the Claimant’s behalf in relation to Articles 9 and 10 of the ECHR, and applied the proportionality principles set out in *Bank Mellat*, per Lord Sumption, at [20], stating as follows:

“1. The panel's objective in this process is sufficiently important to justify the limitation of Ms Leger's rights under Article 9 and 10. The panel considered that its role was to maintain professional standards and to reflect the teacher's position of influence in society.

2. The panel concluded that the objective is rationally connected. The panel considered that the restriction is not to prevent the teacher from holding, or in line with School policies, sharing her views or those of a specific group. It is about, in doing so, excluding, over a period of time, alternative views.
 3. The panel found that there is no less intrusive measure that could be adopted at this stage of these proceedings, but this is a consideration that the panel will take account of at the next stage.
 4. In light of the above, the panel was satisfied that a fair balance has been struck between the rights of Ms Leger and the interests of the public/community.”
9. The PCP was satisfied that the Claimant’s conduct amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession, and amounted to unacceptable professional conduct.
 10. The PCP concluded that, although the conduct was serious, it would not negatively damage public perception of the profession and did not amount to conduct that might bring the profession into disrepute.
 11. The PCP considered whether to recommend a prohibition order, but concluded that the nature and severity of the behaviour were at the less serious end of the spectrum and that publication of the findings was sufficient and in the public interest, applying *Bank Mellat* proportionality principles.
 12. The Defendant agreed with the recommendations of the PCP.
 13. The High Court dismissed the Claimant’s appeal for the following reasons.
 14. The PCP properly considered the Claimant’s comments in the context of her known Christian beliefs, and took into account that they were made in the context of a discussion about LGBTQ+ rights in a single Year 7 Religious Studies lesson in a Church of England school.

15. The hearing was not procedurally unfair or in breach of Article 6 of the European Convention on Human Rights (“ECHR”).
16. The PCP did not misdirect itself when it referred to the statutory duty to have a “broad and balanced curriculum” in schools, and it was entitled to conclude that the Claimant’s refusal to teach segments of the curriculum addressing LGBTQ+ rights was contrary to the school’s Religious Studies Policy.
17. The decision was not in breach of Articles 9 or 10 ECHR.
18. The PCP and the Defendant made a lawful decision that publication of the findings was a justifiable and proportionate sanction for her unacceptable professional conduct. There was no breach of Article 8 ECHR.