



Teaching
Regulation
Agency

Ms Glawdys Leger: Professional conduct panel outcome

**Panel decision and reasons on behalf of the
Secretary of State for Education**

December 2023

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Professional conduct panel decision and recommendations, and decision on behalf of the Secretary of State

Teacher: Ms Glawdys Leger

TRA reference: 20940

Date of determination: 13 October 2023

Former employer: Bishop Justus Church of England School, Bromley

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened between 9-13 October 2023 and 6 December 2023 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Ms Leger.

The panel members were Mr Ian Hylan (teacher panellist – in the chair), Mrs Jane Gotschel (teacher panellist) and Mr Maurice Smith (lay panellist).

The legal adviser to the panel was Miss Sarah Price of Blake Morgan solicitors.

The presenting officer for the TRA was Mr Andrew Cullen of Browne Jacobson solicitors.

Ms Leger was present and was represented by Mr Michael Phillips of Andrew Storch solicitors

The hearing took place in public and was recorded.

Allegations

The panel considered the allegation set out in the notice of proceedings dated 14 July 2023.

It was alleged that Ms Leger is guilty of unacceptable professional conduct and/or conduct that may bring the professions into disrepute in that:

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

- a. Being and/or LGBTQ+ is 'not fine';
- b. LGBTQ+ is a sin;
- c. that God should be before LGBTQ+;
- d. God will love you more if you are not LGBTQ+;
- e. people will always be seen by God as having their birth gender;
- f. that transgender people are 'just confused'

2. Her conduct at Allegation 1 was contrary to Fundamental British Values in that it lacked tolerance to those with different beliefs.

Ms Leger made some partial admissions in regards to the comments, but she did not accept her comments were inappropriate. Ms Leger did not admit unprofessional conduct or conduct that may bring the profession into disrepute.

Preliminary applications

The panel considered an application on behalf of the teacher to admit an additional bundle of documents, consisting of 229 pages. There were various documents included in the bundle, which the Teacher's representative grouped in to three types, namely those relating to gender confusion; free speech and doctrine.

The application was opposed by the TRA, although the presenting officer indicated that the TRA did not object to one of the documents, 'Promoting Fundamental British Values [DfE]' being admitted as evidence.

The panel heard and accepted the legal advice provided, in particular the panel noted it has a discretion to admit evidence that has not been submitted in compliance with Rule 5.37, where the evidence is relevant and where it is fair to do so.

The panel first considered whether the documents were relevant. The panel considered each document within the bundle separately. However, the panel concluded that none of these was relevant to the specific issues it had to determine in this case. The panel reminded itself that it is to make findings of fact in this case. The panel did not find that Ms Leger would be prejudiced if the documents were not admitted.

As such, the documents were not admitted.

The panel was informed by the presenting officer that the TRA had intended to call [REDACTED]. However, as [REDACTED] was out of the country, permission had been sought, but this had not been granted in time for her to be able to give evidence from abroad. The TRA took the view that it would no longer rely on the witness statement of [REDACTED]. However, the parties were in agreement that the exhibits attached to [REDACTED] statement could still be considered by the panel.

On 6 December 2023, ahead of the panel moving on to consider the matter of prohibition, two applications were made on behalf of the teacher. The first application was a request to admit additional documents, consisting of 15 pages of character references. The second application was for three character witnesses to give evidence remotely via video link. The TRA did not oppose the application. The panel heard and accepted the legal advice. The panel considered that the additional documents were relevant and that it was in the interests of justice to admit them. The panel was also content for the three character witnesses to give evidence remotely. Therefore, the two applications were granted.

Summary of evidence

Documents

In advance of the hearing, the panel received a bundle of documents which included:

Section 1: Chronology and anonymised pupil list – pages 8 to 9

Section 2: Notice of hearing and response – pages 11 to 17

Section 3: Teaching Regulation Agency witness statements – pages 19 to 82

Section 4: Teaching Regulation Agency documents – pages 83 to 35

Section 5: Teacher documents – pages 354 to 722

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing.

Following an application to admit further documents on 6 December 2023, the panel also admitted a further bundle of character references, consisting of 15 pages. These will be referred as pages 723 to 738.

Witnesses

The panel heard oral evidence from:

- Called by the TRA -
 - Pupil A's mother
 - Pupil A
- Called by the Teacher -
 - Ms Leger
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

Ms Leger had been employed at Bishop Justus School ("the School") since 29 August 2017. She was employed as a teacher of modern languages and she also taught some other subjects. On 10 February 2022, Pupil A's mother sent an email to the School after her daughter had informed her of inappropriate comments in a religious education class by Ms Leger on 8 February 2022.

The School began an investigation on 28 February 2022. Following the investigation and subsequent disciplinary hearings, Ms Leger was dismissed from the School. Ms Leger appealed the dismissal, but this was upheld by the School.

Findings of fact

The findings of fact are as follows:

The panel heard live evidence from Pupil A's mother and Pupil A, on behalf of the TRA. The panel found their oral evidence to be consistent with their written statements.

The Panel found Pupil A's oral evidence to be measured and reflective.

The panel also heard oral evidence from Ms Leger. Whilst the panel found her evidence was at times confusing, she presented as genuine and sincere in her personally held views.

The panel received submissions in relation to the interference with Ms Leger's rights under the European Convention on Human Rights, specifically Article 9 (right to freedom of thought, conscience and religion) and Article 10 (right to freedom of expression). The panel noted the submissions made and the content of the judgments referred to. In particular, the panel was referred to the case of *Ngole v University of Sheffield* [2019] EWCA Civ 1127. The panel noted that it had a distinct and fact specific task to assess the conduct of Ms Leger as a teacher. The panel noted that in *Ngole*, the court stated -

"The right to freedom of expression is not an unqualified right: professional bodies and organisations are entitled to place reasonable and proportionate restrictions on those subject to their professional codes; and, just because a belief is said to be a religious belief, does not give a person subject to professional regulation the right to express such beliefs in any way he or she sees fit".

A central principle of relevant case law relating to interference with an individual's convention rights, and one to which this panel had regard, is that the rights under Article 9 and Article 10 are qualified rights. The rights can be qualified and restricted provided that the restrictions are in accordance with the published law and principles, and pursues a legitimate aim to protect health, morals and public order (by way of example). In regards to freedom of expression, it is established that this can and should be qualified if it has the potential to impact upon the provision of public services or the performance of a professional person's function.

The panel considered the case in accordance with these principles. The panel was very clear that it was not its role to judge Ms Leger's religious beliefs. This panel has no role in determining what Ms Leger or any other teacher may express in a private capacity. This panel is concerned with the Teachers' Standards and the very distinct professional considerations which apply to the conduct alleged.

In the panel's deliberations they focussed on the matters pertaining to the facts of the allegations and it only had regard to relevant evidence that went to the heart of the allegations. The allegations that this panel are to determine are distinct from those considered by the School and this panel did not take the findings of the School into consideration.

The panel found the following particulars of the allegation against you proved, for these reasons:

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'

In her live evidence, Pupil A told the panel that Ms Leger described a story about a gay man, who had given up being gay to become a Christian because it was not right. This was consistent with Pupil A's written evidence. In the handwritten statement that Pupil A provided during the School's investigation, Pupil A wrote that Ms Leger had said that "*being LGBTQ+ is not fine*".

Pupil A told the panel that she made a contemporaneous note of what Ms Leger had said in the class. Pupil A's mother told the panel that she formulated and sent an email to the School based on Pupil A's handwritten notes. Pupil A confirmed that she read the email before it was sent. That email stated that Ms Leger had commented "*All LGBT+ is not fine*".

In Pupil E's handwritten statement provided to the School, she stated "*So Ms Leger was talking about how you should not be gay and trans...*".

In Ms Leger's live evidence, she told the panel that it was the LGBTQ+ ideology that she did not agree with, not LGBTQ+ people themselves. The panel acknowledged that Ms Leger had maintained this position throughout her live evidence.

On balance, the panel concluded that Ms Leger made the comment.

b. LGBTQ+ is a sin

The panel took account of Pupil A's evidence that this comment was made in relation to the story about a gay man living in sin. In the handwritten statement that Pupil A provided during the School's investigation, Pupil A wrote that Ms Leger had said that "*...being LGBTQ+ is...a sin*".

Pupil A told the panel that she made a contemporaneous note of what Ms Leger had said in the class. Pupil A's mother told the panel that she formulated and sent an email to the School based on Pupil A's handwritten notes. Pupil A confirmed that she read the email before it was sent. That email stated that Ms Leger had commented "*LGBT+ is a sin*".

During the School's disciplinary hearing on 16 March 2022, in response to whether or not Ms Leger said "LGBT is a sin", the notes state that Ms Leger "*said she probably said this straightaway - although she could not confirm she did say this straight away*".

In Ms Leger's live evidence to the panel she clarified that same sex marriage and active sexual relationship outside of marriage is a sin in the eyes of God.

Ms Leger accepted that she said "*if you are a Christian, being in a LGBT relationship is a sin*".

On balance, the panel concluded that Ms Leger made the comment.

c. that God should be before LGBTQ+

The panel took account of Pupil A's live evidence that this comment was made in relation to the story about a gay man. In the handwritten statement that Pupil A provided during the School's investigation, Pupil A wrote that Ms Leger had said that "*God befor [sic] LGBTQ+*".

Pupil A told the panel that she made a contemporaneous note of what Ms Leger had said in the class. Pupil A's mother told the panel that she formulated and sent an email to the School based on Pupil A's handwritten notes. Pupil A confirmed that she read the email before it was sent. That email stated that Ms Leger had commented "*God should be before LGBTQ+, the conversation was around how you shouldn't be LGBTQ+ instead you should choose God first*".

Initially Ms Leger denied, when asked, that God should be before LGBT. She then corrected herself and explained that God should be before because "*if you are a Christian you should put God first*". In her live evidence, Ms Leger also talked about gay people who chose to serve God first and chose celibacy as a consequence.

On balance, the panel concluded that Ms Leger made the comment.

e. people will always be seen by God as having their birth gender

The panel noted that in Pupil A's live evidence she was unable to add any further context or explanation for this statement.

Pupil A told the panel that she made a contemporaneous note of what Ms Leger had said in the class. Pupil A's mother told the panel that she formulated and sent an email to the School based on Pupil A's handwritten notes. Pupil A confirmed that she read the email before it was sent. That email stated that Ms Leger had commented "*You will always be female in God's eyes if you were born female and male if born male*".

Pupil D, in their statement to the School, wrote "*Miss Leguer [sic] was talking about LGBTQ+ and she said that if God created us as a man you stay as a man and you do not change personaliti [sic]*."

In Ms Leger's live evidence, she told the panel that she accepted saying words to the effect of "*In God's eyes if you are born male, you will remain male and if female you will remain female*".

On balance, the panel concluded that Ms Leger made the comment.

f. that transgender people are 'just confused'

In her live evidence, Pupil A confirmed Ms Leger made this comment in the class, she said it was possibly said in the question and answer session in response to a pupil who asked about transgender.

Pupil A told the panel that she made a contemporaneous note of what Ms Leger had said in the class. Pupil A's mother told the panel that she formulated and sent an email to the School based on Pupil A's handwritten notes. Pupil A confirmed that she read the email before it was sent. That email stated that Ms Leger had commented "*People who are transgender are just confused about themselves*".

In the meeting with the School on 16 March 2022, the note states that Ms Leger stated "*she could not recall exactly what she said, but she probably did say that*". In her live evidence, Ms Leger explained to the panel that she did say that transgender people are confused but that this was in relation to people with gender dysphoria. The panel accepted that her subsequent explanation was plausible but there was no evidence to suggest that this explanation had been offered to the class.

On balance, the panel concluded that Ms Leger made the comment.

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.

With the above factors in mind, the panel found that the comments made at particulars 1a, 1b, 1c, 1e and 1f were inappropriate.

The panel found the following particulars of the allegation against you not proved, for these reasons:

1d. God will love you more if you are not LGBTQ+

Pupil A stated in live evidence that Ms Leger did make this comment.

Ms Leger denied making this comment at all, and she was consistent in her denial.

The panel did not think that the TRA had proved this particular on the balance of probabilities. Therefore, particular 1d is not proved.

2) Your conduct at Allegation 1 was contrary to Fundamental British Values in that it lacked tolerance to those with different beliefs.

Having found some of the particulars under allegation 1 proved, the panel went on to consider whether the proven conduct was contrary to Fundamental British Values in that it lacked tolerance to those with different beliefs.

The Panel recognised that there was a possibility that people could be upset by the comments made by Ms Leger.

The panel referred to the Department of 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 this at paragraph 3.11 - *"The Equality Act defines "religion" as being any religion, and "belief" as any religious or philosophical belief"*.

No evidence was provided to the panel that LGBTQ+ was a philosophical belief in accordance with that document.

The panel also had in mind the meaning of 'Fundamental British Values' which the Teachers' Standards states is taken from the definition of extremism, as articulated in the Prevent Strategy, which was launched in June 2011. It includes *'democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs'*.

The panel referred to the meaning of 'tolerance' taken from the Oxford English Dictionary, which is defined as *"The ability or willingness to tolerate the existence of opinions or behaviour that one dislikes or disagrees with."*

In her evidence, Ms Leger told the panel that she was tolerant of people from all backgrounds. The panel found her evidence to be genuine and sincere.

Therefore, the panel found allegation 2 not proved.

Findings as to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

Having found a number of particulars of allegation 1 proved, the panel went on to consider whether the facts of those proved particulars amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as 'the Advice'.

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 panel 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.

The panel also considered whether Ms Leger's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel found that none of these offences was relevant.

The panel took account of the four principles set out in the case of *Bank Mellat v Her Majesty's Treasury (No 2)* [2013] UKSC 38. In doing so, the panel determined:

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.

For the reasons set out above, the panel was satisfied that the conduct of Ms Leger amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. Therefore, the panel found that Ms Leger's conduct as found proved at allegation 1 amounted to unacceptable professional conduct.

The panel next considered whether Ms Leger's conduct constituted conduct that may bring the profession into disrepute. The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

Although the panel found that the conduct was serious, the panel did not consider that the conduct displayed would negatively damage public perception. Indeed, Pupil A's mother told the panel that she did not expect her complaint to "*get this far*".

Therefore, it did not find that Ms Leger's actions constituted conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely, the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct within the teaching profession and that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

The panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Leger were not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Ms Leger was outside that which could reasonably be tolerated.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Ms Leger.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Ms Leger. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, the one that was relevant in this case was:

- serious departure from the personal and professional conduct elements of the Teachers' Standards.

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was evidence that Ms Leger's actions were deliberate. The panel did not accept that this was a one-off incident. Ms Leger's actions needed to be seen in the context of the ethos, policies and practice of the School, as noted earlier in the panel's decision.

However, the panel found Ms Leger had no intention of causing distress or harm to pupils.

There was no evidence to suggest that Ms Leger was acting under duress.

The panel was provided with a number of character references. The panel also heard live evidence from three character witnesses. Each of those witnesses confirmed that they were aware of the allegations that had been found proved. [REDACTED], a friend of Ms Leger described Ms Leger as "*a kind, genteel and decent individual who would never*

deliberately cause harm or insult to another human being and most definitely not a young person". Another friend of Ms Leger, [REDACTED], stated that Ms Leger is "*trustworthy, professional & approachable*". The third character witness that the panel heard from, [REDACTED], stated that Ms Leger is a "*kind and caring*" person. She told the panel Ms Leger served on a welcoming team for a Catholic group and welcomed people of all backgrounds, including transgender individuals. [REDACTED] stated that Ms Leger was "*very welcoming and not prejudicial*" and that Ms Leger "*called them by what they called themselves*".

Although the panel saw evidence of good character, it noted that no references were provided from any colleagues that could attest to Ms Leger's abilities as a teacher. There was no evidence that she had contributed significantly to the education sector.

The TRA confirmed that there had been no findings against her previously.

It was submitted on behalf of Ms Leger, that she accepted the panel's findings. The panel noted that during her live evidence, Ms Leger had shown some understanding of the need to work in line with the standards of the teaching profession.

The panel went on to discuss whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the teaching profession. The panel considered that this was the least intrusive measure that could be imposed on the facts of this case (as per Principle 3 of the Bank Mellat principles).

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of sanction.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct.

In this case, the panel has also found some of the allegations not proven (specifically allegation 1d and allegation 2). I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that the findings of unacceptable professional conduct should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Ms Glawyds Leger is 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 finds that the conduct of Ms Leger fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they involve behaviour that had the potential to undermine the ethos of the School and (albeit unintentionally) upset pupils and/or cause them distress.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Ms Leger, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel does not record that it considered any evidence in this case which raised child protection and/or safeguarding concerns but did find that Ms Leger's behaviour had the potential to upset pupils and/or cause them distress. A prohibition order would, therefore, remove such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "It was submitted on behalf of Ms Leger, that she accepted the panel's findings. The panel noted that during her live evidence, Ms Leger had shown some understanding of the need to work in line with the standards of the teaching profession." I have given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "Although the panel found that the conduct was serious, the panel did not consider that the conduct displayed would negatively damage public perception." Again, I have given this element considerable weight when considering this case.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to assess the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Ms Leger herself. The panel record that, while it did not receive evidence of having made an outstanding contribution to the education sector, it considered a number of character references and heard directly from three character witnesses who attested to Ms Leger's personal qualities as well as her inclusive approach when interacting with individuals.

A prohibition order would prevent Ms Leger from teaching. A prohibition order would also clearly deprive the public of her contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments concerning Ms Leger's intent, and particularly that she "...had no intention of causing distress or harm to pupils." I have also given weight to the fact that Ms Leger is recorded as appearing to have accepted the panel's findings and the need to work within the standards of the teaching profession. Finally, I have noted the panel's conclusion that its findings were at the less serious end of the possible spectrum.

For these reasons, I agree with the panel that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that

were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink, appearing to read "M. Cavey", enclosed within a thin black rectangular border.

Decision maker: Marc Cavey

Date: 11 December 2023

This decision is taken by the decision maker named above on behalf of the Secretary of State.