



Higgs v Farmor's School

Protection for "manifestation" of belief confirmed by the Court of Appeal

Jurisdiction: Court of Appeal

Sectors: Education

Causes of action: Belief discrimination

Legal representation: Andrew Storch (solicitor), Richard O'Dair (counsel)

Decisions: [Mrs K Higgs v Farmor's School: 1401264/2019](#) (Employment Tribunal), [Mrs Kristie Higgs v 1\) Farmor's School](#)

[2\) Archbishops' Council of the Church of England \[2023\] EAT 89](#) (Employment Appeal Tribunal); [Higgs v Farmor's School](#) (Court of Appeal, 2025)

Summary of events

Kristie Higgs was fired from her job as an administrator and work-experience manager at a Church of England secondary school after the school received a single complaint about her personal Facebook posts.

She is a Christian and does not believe that someone can change their sex or gender. Her view is based on a belief in the literal truth of the Bible, and in particular Genesis 1:27: "God created man in His own image, in the image of God He created him; male and female He created them." She also holds traditional Christian beliefs about marriage.

She reposted two Facebook posts with a petition about relationship and sex education in primary schools saying that it was "brainwashing" children and promoting mental illness.

After the school received an email from someone who called her views "offensive" and "homophobic and prejudiced... against the LGBT community" she was called in for an investigation meeting which went on for six hours. The school then fired her for gross misconduct.

Findings by the tribunal

The initial tribunal rejected Kristie Higgs's claim of belief discrimination, saying that while her beliefs qualified for protection under the Equality Act, she had expressed them in such a way that they "might reasonably lead people who read her posts to conclude that she was homophobic and transphobic" (hostile to gay and transgender people).

The tribunal distinguished between the views that she did hold (which were protected) and what it said were "unacceptable views in relation to gay and trans people" which she might be perceived as holding (which were not protected).

Findings by the Employment Appeal Tribunal and the Court of Appeal

The Employment Appeal Tribunal allowed the appeal, overturning the tribunal's judgment. It found that the tribunal was wrong to accept the school's defence that it had acted not on Kristie Higg's beliefs but the beliefs it perceived her to have. The Employment Appeal Tribunal sent the case back to the Employment Tribunal to be decided (rather than substituting its own decision), but Kristie Higgs appealed this decision and it went on to the Court of Appeal.

The Court of Appeal found that Kristie Higgs had been unlawfully discriminated against by the school. It said in summary that:

"The dismissal of an employee merely because they have expressed a religious or other protected belief to which the employer, or a third party with whom it wishes to protect its reputation, objects will constitute unlawful direct discrimination within the meaning of the Equality Act." [175]

However, it can be lawful to take action against someone if their conduct is not simply an expression of belief but is itself objectively "objectionable" or "inappropriate". In this case if the respondent can show that their response was proportionate to the inappropriate conduct, it would be lawful.

The judgment also emphasised that:

"It is necessary in this context to judge a statement by what it actually says, and not by reference to a concern about what some readers might wrongly read into or infer from it." [178]

The Supreme Court

Farmor's School sought permission to appeal to the Supreme Court, arguing against the finding of unlawful direct discrimination.

On 6th June 2025, the Supreme Court refused the school's application to appeal, effectively closing the case and leaving the Court of Appeal's judgment as the final and binding authority.

Remedy

The case will now be remitted back to the Employment Tribunal for remedy to be decided.