



Teaching
Regulation
Agency

Mr Matthew Pryer: Professional conduct panel meeting outcome

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

November 2018

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

Teacher: Mr Matthew Pryer

Teacher ref number: 9536398

Teacher date of birth: 28 May 1972

TRA reference: 17098

Date of determination: 30 November 2018

Former employer: Brandhall Primary School, Oldbury

A. Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 30 November 2018 at Cheylesmore House, 5 Quinton Road, Coventry CV1 2WT to consider the case of Mr Matthew Pryer.

The panel members were Mr John Pemberton (former teacher panellist – in the chair), Mrs Mary Speakman (teacher panellist) and Ms Shamaila Qureshi (lay panellist).

The legal adviser to the panel was Mr Nick Leale of Blake Morgan solicitors.

In advance of the meeting, the TRA agreed to a request from Mr Matthew Pryer that the allegations be considered without a hearing after taking into consideration the public interest and the interests of justice. Mr Pryer provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Mr Pryer or his representative.

The meeting took place in private, save for the announcement of the panel’s decision, which was announced in public and recorded.

B. Allegations

The panel considered the allegations set out in the Notice of Meeting dated 27 November 2018.

It was alleged that Mr Matthew Pryer, was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as the SEND Coordinator at Brandhall Primary School:

1. On or around 5 February 2018 he:
 - a) Instructed and/or permitted Pupil A to take medication unsupervised;
 - b) Failed to notify the relevant individuals within the school and/or the parents of Pupil A that Pupil A had self-administered medication;
2. His actions as may be found proven at 1a and/or 1b above:
 - a) Put Pupil A at risk of serious harm;
 - b) Caused Pupil A to suffer the effects of taking too much medication.

Mr Pryer admitted the allegations in full by way of signed agreed statement of facts dated 28 August 2018, including that they amounted to unacceptable professional conduct/conduct that may bring the profession into disrepute.

C. Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 2 to 3

Section 2: Notice of Proceedings, response and notice of meeting – pages 5 to 11b

Section 3: Statement of Agreed Facts and Presenting Officer Representations– pages 13 to 18

Section 4: Teaching Regulation Agency documents – pages 20 to 46

Section 5: Teacher documents – pages 196 to 206.

The following additional document were accepted into evidence/consideration:

- i) Notice of Meeting dated 27 November 2018 (paginated as 9a to 9b);

ii) Additional testimonials in support of Mr Pryer from Individual A and Individual B (paginated as 207-210).

The panel members confirmed that they had read all of the documents in advance of the meeting.

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mr Pryer on 28 August 2018.

It confirmed Mr Pryer's admissions that, while taking classroom responsibility for [Redact] Pupil A, he instructed/permitted the child to take antihistamine medication unsupervised and failed to notify colleagues and the parents of the child of the use of such medication in accordance with the pupil's care plan. Mr Pryer further admitted that this placed the child at risk of serious harm had the child been administered any further dosage later in the day and caused her to suffer the effects of taking too much of the relevant medication in the form of double vision, feeling sick and a fast heart rate. The agreed statement also confirmed Mr Pryer's admissions that his conduct amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

D. Decision and reasons

The panel announced its decision and reasons as follows:

We have carefully considered the case and reached a decision.

We confirm that we have read all the documents provided in the bundle in advance of the meeting.

In advance of the meeting, the TRA agreed to a request from Mr Pryer that the allegations be considered without a hearing. We have the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. We did not determine that such a direction is necessary or appropriate in this case.

This is a case involving a teacher who, while taking classroom responsibility [Redact] Pupil A, instructed/permitted the child to take [Redact] medication unsupervised and failed to notify colleagues and the parents of the child of the use of such medication in accordance with the pupil's care plan. The teacher's actions placed the child at risk of serious harm and caused her to suffer the effects of taking too much of the relevant medication in the form of double vision, feeling sick and a fast heart rate.

Findings of fact

Our findings of fact are as follows:

We have found the following particulars of the allegations against you proven, for these reasons:

1. On or around 5 February 2018 you:

a) Instructed and/or permitted Pupil A to take medication unsupervised;

b) Failed to notify the relevant individuals within the school and/or the parents of Pupil A that Pupil A had self-administered medication;

Mr Pryer fully admits these allegations in the agreed statement of facts and his representations to the TRA at pages 196 to 206 of the bundle. These facts are further supported by the supporting evidence in the bundle. Mr Pryer fully accepts that he was aware of the care plan that was in place for pupil A, who was [Redacted], and that he failed, as required by the care plan, to inform a fellow teacher and pupil A's parents of the condition that had presented and what had subsequently happened.

2. Your actions as may be found proven at 1a and/or 1b above:

a) Put Pupil A at risk of serious harm;

b) Caused Pupil A to suffer the effects of taking too much medication.

These particulars are also fully accepted by Mr Pryer in the signed agreed statement of facts. Pupil A appears to have received two double doses as a result of being allowed to take the medication unsupervised and was at risk of taking further medication later that same day as a result of Mr Pryer's failure to report the circumstances to any colleague or Pupil A's parents. Mr Pryer accepts that the subsequent complaints of Pupil A to her parents of seeing double, feeling sick and a fast heart beat was indicative of the effects of having received excessive medication. The statement of Pupil A's parents at pages 29-30 of the bundle confirms that had Pupil A been administered further medication later the same day her condition could have become life-threatening.

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

Having found all of the allegations to have been proven, the panel has gone on to consider whether the facts of those proven allegations amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel has had regard to the document Teacher Misconduct: The Prohibition of Teachers, which the panel refers to as "the Advice".

The panel is satisfied that the conduct of Mr Pryer in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Pryer 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
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;

The panel is satisfied that the conduct of Mr Pryer fell significantly short of the standards expected of the profession and therefore amounts to serious misconduct.

Mr Pryer failed to ensure the safe administration of medication to a [Redacted] child in accordance with a care plan of which he had been made aware. He left medication administration in the hands of a [Redacted] child and made no mention of the situation to his colleagues or the child's parents despite the clear requirement on him to do so. This exposed Pupil A to harm that could have become significantly more serious. The effect on Pupil A's actual and potential well-being was significant. While the panel accepts that Mr Pryer may have been under no obligation to administer the medication himself, he accepts in his representations that he should have consulted the care plan and ensure that others knew of the administering of the medication in order to ensure that a proper record could be kept; thus ensuring the parents were fully aware what previous doses had been administered.

Accordingly, the panel finds that the facts as found proved amount to unacceptable professional conduct.

The panel has taken into account how 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 has taken account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

The findings of misconduct are serious and the conduct displayed would likely have a negative impact on the individual's status as a teacher, potentially damaging the public perception of the profession.

The panel therefore, in addition, finds that Mr Pryer's actions constitute 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/conduct that may bring the profession into disrepute, it is 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 has to consider whether it is an appropriate and proportionate measure, and whether it is 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 has considered the particular public interest considerations set out in the Advice and having done so has found a number of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

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

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

Notwithstanding 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 Mr Pryer.

In carrying out the balancing exercise the panel has considered the public interest considerations both in favour of and against prohibition as well as the interests of Mr Pryer. 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 proven. In the list of such behaviours, those that are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;

Even though there were behaviours that would point to a prohibition order being appropriate, the panel went on to consider whether or not there were sufficient mitigating factors to militate against a prohibition order being an appropriate and proportionate measure to impose, particularly taking into account the nature and severity of the behaviour in this case.

Mr Pryer stated in his representations that he has an unblemished record through the course of a 23 year teaching career. The panel has seen no evidence to the contrary.

The panel first considered 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 is sufficient.

The panel is of the view that applying the standard of the ordinary intelligent citizen recommending no prohibition order is not a proportionate and appropriate response. Recommending that publication of adverse findings is sufficient in the case would unacceptably compromise the public interest considerations present in this case, despite the severity of consequences for the teacher of prohibition.

The panel is of the view that prohibition is both proportionate and appropriate. The panel has decided that the public interest considerations outweigh the interests of Mr Pryer. Accordingly, the panel makes a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate to recommend that a review period of the order should be considered. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances in any given case that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proven, would militate against a review period being recommended. None of those behaviours are present in this case.

The panel felt the findings indicated a situation in which a review period would be appropriate and as such decided that it would be proportionate in all the circumstances for the prohibition order to be recommended with provisions for a review period of 2 years. In forming this view the panel has sought to balance the public interest and the seriousness of the incident which may have resulted in serious harm to a [Redact] pupil. The panel has accepted that this was most likely a one-off incident in relation to which Mr Pryer has shown significant remorse and reflected carefully upon the serious errors of judgment and the potential consequences. The panel concludes that a review period of 2 years is both proportionate and appropriate in the circumstances.

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 both sanction and review period.

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 all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr Pryer should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Mr Pryer 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
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;

The panel finds that the conduct of Mr Pryer fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of actions which had placed a pupil at risk of harm.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering 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 and conduct that may bring the profession into disrepute, 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 Mr Pryer, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, "This exposed Pupil A to harm that could have become significantly more serious. The effect on Pupil A's actual and potential well-being was significant." A prohibition order would therefore prevent 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, "Mr Pryer has shown significant remorse and reflected carefully upon the serious errors of judgment and the potential consequences." I have therefore 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, "The panel considers that public confidence in the profession could be seriously weakened if conduct such as that found

against Mr Pryer were not treated with the utmost seriousness when regulating the conduct of the profession.”

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 consider 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 Mr Pryer himself. The panel say, ‘Mr Pryer stated in his representations that he has an unblemished record through the course of a 23 year teaching career. The panel has seen no evidence to the contrary.’

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

I have placed weight on the panel’s view that, ‘The findings of misconduct are particularly serious as they include a finding of actions which had placed a pupil at risk of harm.’

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Pryer has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 2 year review period.

I have considered the panel’s comments “The panel has accepted that this was most likely a one-off incident in relation to which Mr Pryer has shown significant remorse and reflected carefully upon the serious errors of judgment and the potential consequences. The panel concludes that a review period of 2 years is both proportionate and appropriate in the circumstances.”

I have considered whether a 2 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. I am in agreement with the panel and as such consider therefore that a two year review period is appropriate.

This means that Mr Matthew Pryer is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 4 December 2020, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Pryer remains prohibited from teaching indefinitely.

This order takes effect from the date on which it is served on the teacher.

Mr Pryer has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'Dawn Dandy', written in a cursive style.

Decision maker: Dawn Dandy

Date: 4 December 2018

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