



Teaching  
Regulation  
Agency

# **Mr Stuart Gratton: Professional conduct panel outcome**

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

**February 2019**

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

**Teacher:** Mr Stuart Gratton  
**TRA reference:** 0017092  
**Date of determination:** 26 February 2019  
**Former employer:** The Observatory School, Wirral

### **A. Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 25 February 2019 and 26 February 2019 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT to consider the case of Mr Stuart Gratton.

The panel members were Mr Tony James (former teacher panellist – in the chair), Mr Chris Rushton (lay panellist) and Cllr Gail Goodman (teacher panellist).

The legal adviser to the panel was Ms Claire Watson of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Ms Samantha Paxman of Browne Jacobson LLP solicitors.

Mr Stuart Gratton was present and was represented by Mr Jonathan Storey of Cornwall Street Chambers and Mrs Alicia Pimblett of National Education Union.

The hearing took place in public, except for parts of the hearing which took place in private due to sensitive personal data being discussed, and was recorded.

## B. Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 30 November 2018.

It was alleged that Mr Stuart Gratton was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as Teacher at the Observatory School from February 2015 until July 2017:

1. In or around 2017, he failed to verify Pearson BTEC Science assessments appropriately and/or in accordance with the guidance, in that he;
  - a. signed declarations confirming that work had been completed, when this was not the case and/or he was unable to confirm whether this was the case;
  - b. back dated assessment decision forms to indicate that the verification exercise had taken place earlier than January 2017;
2. During the 2016/2017 academic year he;
  - a. assisted Teacher X to send an email which implied that the BTEC Science assessment process was in order, when this was not the case;
  - b. instructed Teacher X to sign declarations to confirm that BTEC Science assessment work had been completed, when he knew that this was not the case and/or were unable to confirm whether this was the case;
3. In undertaking allegation 1 and/or 2, he acted dishonestly and/or with a lack of professional integrity.

The teacher has admitted the facts of the allegations, apart from in allegation 1a 'when this was not the case' and in allegation 2b 'when he knew that this was not the case'.

The teacher has admitted unacceptable professional conduct and conduct that may bring the profession into disrepute.

## C. Preliminary applications

The panel considered an application from the presenting officer to amend the Notice of Proceedings by amending allegation 2a from 'assisted Teacher X to send an email which indicated that the BTEC Science assessment process was in order, when this was not the case' to 'assisted Teacher X to send an email which implied that the BTEC Science assessment process was in order, when this was not the case', and number allegation 3. The panel had the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case had been proved.

Before making the amendment, the panel was required to consider any representations by the presenting officer and by the teacher's representative, and the parties were afforded that opportunity. The teacher's representative consented to the application.

The panel considered that the amendment proposed in relation to allegation 3, being the omission of the number, was a typographical error that did not change the nature, scope or seriousness of the allegations. There was no prospect of the teacher's case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice caused to the teacher. The teacher anticipated there had been such an error. The panel therefore agreed to amend allegation 3 as proposed.

In relation to the amendment to allegation 2a, the panel was concerned that this application was made at such a late stage in the proceedings, and exercised caution to ensure that there was no unfairness to the teacher. The panel noted that the agreed statement of facts stated 'implied'. The reference to 'implied' had therefore been disclosed to the teacher prior to the hearing. The teacher had provided his response to allegation 2a in advance of the hearing and, on reading that explanation, the panel did not consider his response would have been different had the allegation referred to 'implied', rather than 'indicated'. The teacher had also admitted the allegation on the basis that this referred to 'implied'. The panel therefore agreed to the amendment.

The panel considered an application by the presenting officer to anonymise the name of a witness. Paragraph 4.60 of the Procedures allowed the panel, if it considered it to be in the interests of justice, to decide that the name and identity of a witness, either referred to in the hearing papers or present before the panel to give oral evidence, should not be disclosed during the hearing or at all.

The panel took into account the general rule that matters pertaining to these hearings should be held in public and took account of case law that states: "It is necessary because the public nature of proceedings deters inappropriate behaviour on the part of the court. It also maintains the public's confidence in the administration of justice. It enables the public to know that justice is being administered impartially. It can result in evidence becoming available which would not become available if the proceedings were conducted behind closed doors or with one or more of the parties' or witnesses' identity concealed. It makes uninformed and inaccurate comment about the proceedings less likely".

The panel had regard to whether the request for anonymity of the witness ran contrary to the public interest. The panel also had regard to the principle that limited interference with the public nature of the proceedings is preferable to a permanent exclusion of the public.

The panel decided that, in the circumstances of this case, it was not appropriate to anonymise the name of the witness as the witness was referred to throughout the documents, was significant in the case and had been identified by the examining body.

The presenting officer applied to admit copies of documents included in the bundle that had been poorly printed. The panel took into account the representations from the presenting officer and the teacher's representative to the admission of the documents.

Under paragraph 4.18 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case. The panel was satisfied that the documents were relevant to the case and it noted that poor quality copies of the documents had been included in the bundle. The panel decided to admit each of the documents to replace the poor quality copies of the same documents.

The panel considered an application from the teacher's representative that parts of the hearing should be held in private.

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. The panel considered that the request for part of the hearing to be heard in private was reasonable given concerns about confidential matters relating to the teacher's health being placed in the public domain.

The panel noted that any departure from the general rule had to be no greater than the extent reasonably necessary and that interference for a limited period of the hearing is preferable to a permanent exclusion of the public. The panel considered whether there were any steps short of excluding the public that would serve the purpose of protecting the confidentiality of matters relating to the teacher's health. It decided that the public interest required that the hearing should be public, but to the extent it became necessary during the course of the hearing to discuss such matters, it would hear certain parts of Mr Gratton's evidence in private.

## **D. 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 1 to 2

Section 2: Notice of Proceedings, Response and Statement of Agreed Facts – pages 3 to 11g

Section 3: Teaching Regulation Agency witness statements – pages 12 to 15

Section 4: Teaching Regulation Agency documents – pages 16 to 632

Section 5: Teacher documents – pages 633 to 702

In addition, the panel agreed to accept clearer, landscape copies of documents to replace pages 230, 231, 289, 290, 321, 322, 323, 324, 326, 327, 328, 348, 349, 375, 376, 381, 382, 391, 392 and 397.

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

## **Witnesses**

The panel heard oral evidence from Mr Gratton.

## **E. Decision and reasons**

The panel announced its decision and reasons as follows:

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

The panel confirms that it has read all the documents provided in the bundle in advance of the hearing.

Mr Stuart Gratton had been employed at the Observatory School (“the School”) since 9 February 2015 as a teacher of Physical Education. In September 2015 he was employed permanently by the School and completed his NQT year in September 2016. Mr Gratton was receiving positive appraisals and had been put forward for a national professional qualification in middle leadership.

In September 2016, he volunteered to take on responsibility as the internal verifier for the Science BTEC, taught by a trainee teacher, Teacher X, who had started in September 2016 and who did not have a background degree in Science. Mr Gratton registered online for the BTEC science lead verifier role and completed an online induction process in September 2016. A meeting took place on 9 January about an upcoming quality management review by a standard verifier from the exam board with which the School was undertaking its BTEC courses. Mr Gratton subsequently met with Teacher X in order to complete the Science BTEC folder. Mr Gratton signed a number of internal verification assessment forms. On 18 January 2017, the School was subject to a quality management review and the standard verifier raised concerns about the Science BTEC folder.

## **Findings of fact**

Our findings of fact are as follows:

The panel has found the following particulars of the allegations against you proven, for these reasons:

**1. In or around 2017, you failed to verify Pearson BTEC Science assessments appropriately and/or in accordance with the guidance, in that you;**

- a. signed declarations confirming that work had been completed, when this was not the case and/or you were unable to confirm whether this was the case;**

Mr Gratton admitted that he signed declarations confirming that work had been completed when he was unable to confirm whether this was the case.

The panel has heard evidence from Mr Gratton that Teacher X had told him that the work had been completed and that it had been Mr Gratton's intention to check this work before it was sent externally to the exam board. The panel has also seen written evidence from Teacher X that he does not recall what he said about the completeness of the work.

The panel considered Mr Gratton to be credible in his oral evidence. It noted that Mr Gratton had not seen any work before signing the declarations. The panel has also seen written evidence that the work had not been completed at the time the declarations were signed.

The panel found the allegation proved, in that Mr Gratton signed declarations confirming that work had been completed, when this was not the case and when he was unable to confirm whether this was the case.

- b. back dated assessment decision forms to indicate that the verification exercise had taken place earlier than January 2017;**

The panel has seen and heard evidence from Mr Gratton that he [REDACTED], and as such was off work from 2 December 2016 to 9 January 2017. Mr Gratton stated that, on his return to work, he discovered that the assessment decision forms, which would be required for the quality management review on 18 January 2017, had not been completed. It is admitted by Mr Gratton that the assessment decision forms were signed a few days before the review and backdated. This was confirmed by the evidence from Teacher X. The panel noted that the assessment decision forms were dated September, October, November and December 2016.

The allegation has been admitted and therefore is found proved.

**2. During the 2016/2017 academic year you;**

- a. assisted Teacher X to send an email which implied that the BTEC Science assessment process was in order, when this was not the case;**

The panel has seen evidence from Teacher X that Mr Gratton wrote the email to the exam board. The panel has also seen and heard evidence from Mr Gratton that he assisted Teacher X in sending the email. When questioned by the panel, Mr Gratton clarified how he had assisted Teacher X and stated that he was in the same room with



Teacher X, gave terminology to be used, and told Teacher X to include reference to fortnightly meetings and the assessments. Mr Gratton stated in his oral evidence that he was responsible for approximately 60% of the email. The panel was satisfied that Mr Gratton had assisted Teacher X to send the email.

The panel also considered whether the email implied that the BTEC Science assessment process was in order, when this was not the case. The panel noted Mr Gratton's admission that he had not had regular meetings with Teacher X, had not completed the documentation and had not seen the work involved in the BTEC Science assessment process. The panel considered that the email implied that Mr Gratton and Teacher X had been having fortnightly meetings and were on top of the work involved, and as such implied that the BTEC Science assessment process was in order.

The allegation has been admitted and therefore is found proved.

**b. instructed Teacher X to sign declarations to confirm that BTEC Science assessment work had been completed, when you knew that this was not the case and/or were unable to confirm whether this was the case;**

In his oral evidence, Mr Gratton stated that he instructed Teacher X to sign the declarations. The panel has also seen written evidence from Teacher X that Mr Gratton 'told' him to sign the documents/assessment forms. The panel was satisfied that Mr Gratton had instructed Teacher X to sign declarations to confirm that the BTEC Science assessment work had been completed.

The panel considered whether Mr Gratton knew that the BTEC Science assessment work had not been completed and/or if he was unable to confirm whether this was the case. The panel noted that in his oral evidence and the agreed statement of facts, Mr Gratton admitted that he instructed Teacher X to 'sign declarations within the internal verification assessment decision forms to confirm that BTEC Science assessment work had been completed, when he was unable to confirm whether this was the case'. The panel again considered the written evidence from Teacher X that stated they could not recall what was said if any information was shared about the completeness of the work. Teacher X added that during Mr Gratton's absence, they did try to get the BTEC coursework 'started and completed'.

The panel considered Mr Gratton to have been open and transparent in his oral evidence and that, even in this early stage of his career, it is likely that there had been some discussion regarding the completeness of the work. The panel considered that Teacher X was inexperienced in relation to completing the Science BTEC, and was not convinced that Mr Gratton nor Teacher X fully understood the process due to their lack of experience. However, the panel accepted Mr Gratton's evidence that he did not view the work prior to signing the declarations.

The panel found the allegation proven on the basis that Mr Gratton instructed Teacher X to sign declarations to confirm that the BTEC Science coursework had been completed when he was unable to confirm whether this was the case.

### **3. In undertaking allegation 1 and/or 2, you acted dishonestly and/or with a lack of professional integrity.**

Having found allegation 1 and 2 proven, the panel considered whether Mr Gratton acted dishonestly and/or with a lack of professional integrity.

Dealing firstly with dishonesty, the panel received and accepted the legal advice that if it found the facts of allegations 1 and 2 proven, it should first consider the defendant's state of knowledge and belief as to the facts, and secondly whether that state of mind was dishonest, determining this by applying the standards of the ordinary honest person.

In relation to allegation 1, the panel considered Mr Gratton's state of knowledge and belief as to the facts. The panel considered that Mr Gratton was concerned about the upcoming quality management review by the standard verifier, the status of the BTEC Science assessment process and the potential implications on his position at the School. He did not want to disclose the lack of oversight he had of the BTEC Science assessment process. Mr Gratton and Teacher X both acknowledged that they were issued with the Staff BTEC Handbook in January 2017, which set out the roles and responsibilities of internal verifiers.

The panel considered that Mr Gratton had signed the declarations confirming that work had been completed, when this was not the case and he was unable to confirm whether this was the case. He deliberately backdated the assessment forms to indicate that the verification exercise had taken place earlier than January 2017. The panel considered that Mr Gratton acted to hide the fact that this process had not been completed in line with the handbook and policies, as he feared it may have a negative effect on his colleagues' and managers' opinion of him.

Having established this state of knowledge and belief, the panel considered whether the ordinary person would consider this state of mind to be dishonest. The panel considered that Mr Gratton's decision to sign the declarations and backdate the assessment forms, would be considered dishonest according to the standards of the ordinary honest person.

In relation to allegation 2, on the evidence, the panel considered that Mr Gratton carried out the actions found proven, to hide the fact that the BTEC Science assessment process was not in order. Again, he feared the negative effect this may have on his colleagues' and managers' opinion of him.

Having established this state of knowledge and belief, the panel considered whether the ordinary person would consider this state of mind to be dishonest. The panel considered that Mr Gratton's assistance in sending an email which implied that the BTEC Science assessment process was in order and his instructions to Teacher X to sign the

declarations, would be considered dishonest according to the standards of the ordinary honest person.

The panel, therefore, found that Mr Gratton acted dishonestly.

In relation to lack of professional integrity, the panel accepted legal advice from the legal adviser that dishonesty and lack of integrity are separate and distinct. The panel considered the contextual circumstances which contributed to Mr Gratton's conduct in allegations 1 and 2.

The panel noted that Mr Gratton did not have specialist knowledge of Science, was in his second year of teaching, and was assisting a trainee teacher. The panel considered Mr Gratton to be carrying out the role of internal verifier in the absence of obvious monitoring and support. The panel noted that Mr Gratton had a lack of experience and had been under pressure, particularly due to [REDACTED] which had required him to take time off work.

However, the panel considered that, despite this lack of experience, Mr Gratton had signed the documents and instructed Teacher X to sign the documents in full knowledge that the documents were not accurate. Mr Gratton had deliberately backdated the assessment decision forms and had not confirmed that the work was completed. The panel considered that Mr Gratton's actions amounted to a lack of professional integrity.

The panel, therefore, found this allegation to have been proven.

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

Having found a number 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 Gratton in relation to the facts found proven, involved breaches of the Teachers' Standards. The panel considers that by reference to Part Two, Mr Gratton is in breach of the following standards:

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel found that Mr Gratton had acted dishonestly and with a lack of professional integrity, having actively backdated the assessment decision forms, signed declarations

without confirming whether the work had been completed and assisted in sending an email which implied that the BTEC Science assessment process was in order. His conduct fell below the standards expected of a teacher and was in breach of the School BTEC handbook and procedures.

The panel is satisfied that the conduct of Mr Gratton amounts to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel has also considered whether Mr Gratton's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice.

The panel has found that none of these offences are relevant. The panel considered whether Mr Gratton's conduct displayed behaviours associated with fraud or serious dishonesty. The panel concluded that Mr Gratton did not understand the potential serious consequences of his actions. The panel accepted Mr Gratton's evidence that he thought he was 'buying time', and considered that he acted without seeking guidance. The panel concluded that neither Mr Gratton or Teacher X had the level of support expected for a trainee teacher and a relatively newly qualified teacher. This conclusion was supported by the exam board which stated that Teacher X should not have held the position 'without significant support and training' and that the 'senior management holds some responsibility'.

Taking into account all of the above, the panel is satisfied that Mr Gratton is guilty of 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 panel heard representations from the presenting officer that the cohort of pupils undertaking a two-year Science BTEC qualification was withdrawn from the award after the malpractice was discovered. The panel noted, however, that Teacher X, in his written evidence, stated that they 'realised that the Year 11s had no coursework completed' when they took over the Science department in September 2016 and that, by January 2017, the majority of the work was still not completed. The panel acknowledged that Mr Gratton's actions had a part to play in the pupils being withdrawn from the Science BTEC, but considered that there may be other underlying reasons for this.

Nevertheless, the panel considered that the findings of misconduct are serious and that the conduct displayed would likely have a negative impact on the individual's status as a teacher and role model, potentially damaging the public perception.

The panel, therefore, finds that Mr Gratton's actions constitute conduct that may bring the profession into disrepute.

Having found the facts of allegations 1, 2 and 3 proved, the panel further found that Mr Gratton's conduct amounts to both unacceptable professional and 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 and 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 maintenance of public confidence in the profession and declaring and upholding proper standards of conduct. The panel also found the public interest consideration of retaining the teacher in the profession to be relevant.

In light of the panel's findings against Mr Gratton, there is a strong public interest consideration in 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 Gratton 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 Gratton was outside that which could reasonably be tolerated.

However, the panel considered that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt has been cast upon his abilities as an educator and he is able to make a valuable contribution to the profession.

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 Mr Gratton.

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

Gratton. 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 of pupils;
- dishonesty especially where there have been serious consequences.

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. The panel placed less weight on whether the misconduct seriously affected the education of the pupils than the other behaviours listed above in light of its findings that there may have been other underlying reasons for pupils being withdrawn from the Science BTEC course.

The panel noted that Mr Gratton has a previous good record, and was receiving positive appraisals and lesson observations. The panel took into account that [REDACTED]. The panel also noted that Mr Gratton identified four priorities at this time: behavioural support; PE lesson delivery; Duke of Edinburgh award; and internal verification of BTEC Science.

He returned to work on 9 January 2017 and [REDACTED]. The incidents that form the basis of the proven allegations occurred following his return to work.

The panel noted that there was no evidence in the bundle of any management support during this time. Mr Gratton was in his second year of teaching and had just taken on a new area of responsibility.

The panel has been referred to the character references contained in the bundle in support of Mr Gratton. The panel noted that these character references were overwhelmingly positive of Mr Gratton.

A former colleague and member of the senior leadership team at the School, stated that 'Mr Gratton is a very talented teacher and young man. He has made a vast difference to the lives of many children'.

A former colleague and rugby football union trainer stated that Mr Gratton was 'conscientious, trustworthy and dedicated, showing all the attributes to be successful in his chosen career...at no stage did I have any reason to doubt his integrity'. Another former colleague and head of science, referred to Mr Gratton as having 'built an instant rapport' with pupils and his lessons being 'planned to a high standard', being a 'good teacher with the potential in the right setting to thrive'. A further former colleague stated

that Mr Gratton had ‘demonstrated strong relationships with both pupils and staff and had excellent behaviour management skills’.

Another character reference, from a former colleague and assistant headteacher, stated that Mr Gratton ‘is an outstanding teacher and would be an asset for any school he worked for’.

The panel heard oral evidence from the headteacher at the school where Mr Gratton is currently working, who had known him in a professional capacity for 8 years, as to his good character and strong abilities as a teacher. In his written evidence, the headteacher stated that Mr Gratton ‘has a very grounded and professional approach to his work, yet he also has a good sense of humour and is not fazed by the often extreme day to day challenges that come with teaching in such a difficult working environment’. In his oral evidence, the headteacher explained the challenges faced working in a school with pupils with social, emotional and mental health issues and the obstacles faced in retaining good teachers. He stated that Mr Gratton was an honest, dependable and trustworthy individual, manages his workload well, is well-practised in techniques used for behaviour management and that he has learnt from the whole process, growing as a person and seeking support. As an indication of the headteacher’s confidence in Mr Gratton, he stated in his written evidence that there was a permanent role on offer for him should no prohibition order be implemented. He described that in this position, Mr Gratton would receive “guidance, tutelage and wrap around care”.

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 a proportionate and appropriate response. Given that the nature and severity of the behaviour is at the less serious end of the possible spectrum and in light of the mitigating factors that were present in this case, the panel has determined that a recommendation for a prohibition order will not be appropriate in this case. The panel considers that the publication of the adverse findings it has made is sufficient to send an appropriate message to the teacher, as to the standards of behaviour that are not acceptable and meets the public interest requirement of declaring proper standards of the profession.

The panel felt that Mr Gratton had shown significant insight and remorse into his actions. In the written and oral evidence, Mr Gratton gave clear insight into how his actions had fallen below the Teachers’ Standards and impacted Teacher X, the School and the pupils. The panel considered Mr Gratton to be remorseful and that he had reflected on his behaviour, having used the last two years to understand the circumstances leading up to his actions and how he can adjust his approach to taking on responsibility and seeking assistance.

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

The panel has recommended that the findings of unacceptable professional conduct / conduct likely to bring the profession into disrepute should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mr Gratton is in breach of the following standards:

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach;
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

The findings of misconduct are particularly serious as they include a finding of dishonesty and lack of integrity.

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 Gratton 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, "The panel placed less weight on whether the misconduct seriously affected the education of the pupils than the other behaviours listed above in light of its findings that there may have been other underlying reasons for pupils



being withdrawn from the Science BTEC course.” A prohibition order would therefore go some way to 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, “The panel felt that Mr Gratton had shown significant insight and remorse into his actions. In the written and oral evidence, Mr Gratton gave clear insight into how his actions had fallen below the Teachers’ Standards and impacted Teacher X, the School and the pupils.” The panel has also commented it, “considered Mr Gratton to be remorseful and that he had reflected on his behaviour, having used the last two years to understand the circumstances leading up to his actions and how he can adjust his approach to taking on responsibility and seeking assistance.” In my judgement, the insight and remorse shown means that there is a low risk of the repetition of this behaviour. 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, “public confidence in the profession could be seriously weakened if conduct such as that found against Mr Gratton were not treated with the utmost seriousness when regulating the conduct of the profession. I am particularly mindful of the finding of dishonesty in this case and the impact that such a finding has on the reputation 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 Gratton himself. He has subsequently secured work teaching and his current Head Teacher had said, “Mr Gratton was an honest, dependable and trustworthy individual, manages his workload well, is well-practised in techniques used for behaviour management and that he has learnt from the whole process, growing as a person and seeking support. As an indication of the headteacher’s confidence in Mr Gratton, he stated in his written evidence that there was a permanent role on offer for him should no prohibition order be implemented. He described that in this position, Mr Gratton would receive “guidance, tutelage and wrap around care”. Furthermore the panel had been referred to character references contained in the bundle in support of Mr Gratton. The panel noted that these character references were, “overwhelmingly positive of Mr Gratton.”

I have also taken into account the mitigating factors in this case The panel say Mr Gratton, “returned to work on 9 January 2017 and [REDACTED]. The incidents that form the basis of the proven allegations occurred following his return to work.”

A prohibition order would prevent Mr Gratton from continuing that work. 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 given weight in my consideration of sanction therefore, to the contribution that Mr Gratton has made and is making to the profession. In my view, I agree with the panel that it is not necessary to impose a prohibition order in order to maintain public confidence in the profession.

The publication of the adverse findings is in my view sufficient to send an appropriate message to the teacher, as to the standards of behaviour that are not acceptable and meets the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink, appearing to read 'Dawn Dandy', with a stylized, flowing script.

**Decision maker: Dawn Dandy**

**Date: 1 March 2019**

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