



Teaching
Regulation
Agency

Ms Sandeep Gill: Professional conduct panel outcome

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

March 2021

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

Teacher:	Ms Sandeep Gill (known as Sonia Gill)
Teacher ref number:	2071658
Teacher date of birth:	11 April 1987
TRA reference:	18323
Date of determination:	31 March 2021
Former employer:	Eagle House School, Surrey

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 30 March 2021 to 31 March 2021 by way of virtual hearing, to consider the case of Ms Gill.

The panel members were Mr John Armstrong (lay panellist – in the chair), Ms Claudette Salmon (teacher panellist) and Mr Maurice McBride (lay panellist).

The legal adviser to the panel was Ms Rosie Shipp of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Holly Quirk of Browne Jacobson LLP solicitors.

Ms Gill was present and was represented by Mr Philip Dayle of No.5 Chambers.

The hearing took place in public, save for part of Ms Gill’s oral evidence in which she explained her personal circumstances around the time of the incidents referred to in the allegations. The hearing was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 24 February 2021.

It was alleged that Ms Gill was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at the Eagle House School between 1 September 2018 and 12 December 2018:

1. She engaged in inappropriate physical contact with Pupil A in that she took hold of or otherwise physically restrained Pupil A on or around 23 November 2018 and/or 30 November 2018;
 - a. in circumstances where she had not attempted and/or employed de-escalation techniques;
 - b. in circumstances where doing so was a disproportionate and/or unnecessary response to Pupil A's behaviour;
2. She engaged in inappropriate and/or unprofessional behaviour towards Pupil A on or around 23 November 2018 and/or 30 November 2018, including by:
 - a. making comments such as "go on then stab me" and/or "I have got my foot here, oh dear little tiny [Pupil A]".
 - b. holding the door of the calm room shut whilst Pupil A was inside;
3. Her behaviour towards Pupil A as may be proven at 1 and 2 above;
 - a. was not line with [REDACTED] good practice;
 - b. constituted bullying and/or intimidation of Pupil A.

Ms Gill admitted to all of the allegations in the response to the notice of proceedings dated 3 March 2021. Ms Gill also admitted that her actions amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

Ms Gill also provided further information in relation to the admitted allegations within her witness statement dated 14 December 2020.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

- Section 1: Preliminary documents – pages 2 to 3
- Section 2: Notice of proceedings and response – pages 5 to 12
- Section 3: Teaching Regulation Agency witness statements – pages 14 to 123
- Section 4: Teaching Regulation Agency documents – pages 125 to 429
- Section 5: Teacher documents – pages 431 to 475

In advance of the hearing, the panel also reviewed CCTV footage of the incidents that are the subject of the allegations, which took place on 23 and 30 November 2018 where Ms Gill removed Pupil A from the classroom and placed him in the calm room.

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

Witnesses

The presenting officer called Individual A [REDACTED] to give oral evidence.

The panel also heard oral evidence from Ms Gill. Ms Gill's representative did not call any other witnesses on behalf of Ms Gill.

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 Gill was employed as a class teacher at the Eagle House School ("the school") from 1 September 2018 until her dismissal on or around 7 December 2018. Prior to this, Ms Gill was employed as a Learning Support Assistant ("LSA") at the school between 14 September 2017 and 31 August 2018.

The school is an independent special school teaching children aged 11 to 19. According to Individual A, all pupils at the school have a primary diagnosis of [REDACTED] and many have other complex needs and challenging behaviour.

Pupil A [REDACTED] was in Ms Gill's class. Pupil A [REDACTED] required bespoke methods and strategies to support him in learning and social interaction. In order to help

staff deliver a consistent strategy to manage Pupil A [REDACTED], he had a bespoke Behaviour Support Plan (“BSP”) in place.

On 30 November 2018, Ms Gill spoke to Individual A regarding Pupil A’s behaviour that day. It was agreed that Individual A would watch the CCTV footage to provide support to Ms Gill when managing Pupil A’s challenging behaviour.

Individual A and Individual B [REDACTED] reviewed the CCTV footage on 30 November 2018.

It was alleged that on 30 November 2018 Ms Gill engaged in inappropriate physical contact with Pupil A, in that she took hold of and/or physically restrained Pupil A in circumstances where she had not attempted any de-escalation techniques. It was also alleged that this was a disproportionate and/or unnecessary response to Pupil A’s behaviour.

Individual A reviewed previous incidents captured on the CCTV involving Ms Gill and Pupil A. It is also alleged that on 23 November 2018, Ms Gill engaged in inappropriate physical contact with Pupil A in that she took hold of and/or physically restrained Pupil A. Pupil A was consequently physically removed from the classroom by Ms Gill and taken to the calm room.

Ms Gill attended an investigation meeting at the school on 3 December 2018 regarding the alleged incidents on 23 and 30 November 2018. A disciplinary hearing was held on 7 December 2018 and it was decided that Ms Gill would be summarily dismissed. The matter was referred to the TRA on 17 April 2019.

Findings of fact

The findings of fact are as follows:

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

1. You engaged in inappropriate physical contact with Pupil A in that you took hold of or otherwise physically restrained Pupil A on or around 23 November 2018 and/or 30 November 2018;

a. in circumstances where you had not attempted and/or employed de-escalation techniques;

b. in circumstances where doing so was a disproportionate and/or unnecessary response to Pupil A’s behaviour.

On examination of the documents and CCTV footage before the panel, and taking into account the oral evidence provided at the hearing, in particular Ms Gill's admission to this allegation, the panel was satisfied that the facts of allegation 1 were proven.

Allegation 1.a.

The panel considered that the CCTV evidence clearly depicted that Ms Gill had not deployed suitable de-escalation tactics on both 23 and 30 November 2018. There was no dispute between the witnesses as to what had occurred on both occasions.

The panel noted that on 30 November 2018 there was at no time any physical threat from Pupil A, but rather he simply told Miss Gill to "shut up" following an exchange relating to him not wanting to do his work. Ms Gill's reaction to this was to raise her voice and demand that Pupil A leave the classroom. When he refused to do so, despite him presenting no physical threat, Ms Gill, along with three other members of staff, forcibly removed him from the classroom without attempting any de-escalation techniques.

The panel was satisfied that the instance on 23 November 2018, whereby Pupil A had allegedly threatened Ms Gill with scissors, had occurred. The panel expressed disappointment that the relevant CCTV footage was not available for its scrutiny at the hearing, but accepted Ms Gill's admissions. The panel considered that this, too, was a situation in which de-escalation on the part of Ms Gill would have been appropriate in the first instance.

Allegation 1.b.

The panel heard from Individual A that most pupils at the school have a BSP in place. BSP's provide a detailed personal history and provide staff with a roadmap as to how to deal with each pupil's behavioural presentations.

The panel heard conflicting evidence as to Ms Gill's knowledge of, and access to, Pupil A's BSP. Individual A initially suggested that it was in place prior to Pupil A's admission to the school. However, Individual A later accepted email evidence which indicated that Pupil A's BSP may have not been made available to Ms Gill until Pupil A's annual review on 6 November 2018. The panel considered the state of affairs to be unsatisfactory but noted that in any event, Ms Gill had seen Pupil A's BSP well in advance of the two incidents in question.

Pupil A's BSP made it clear that Pupil A would benefit from time and space and distractions to de-escalate incidents as a first response. Ms Gill had had sight of this, along with the school's policies, which made it clear that physical intervention should be a proportionate and, importantly, a last resort. In this case, the panel considered in respect of both incidents, Ms Gill's actions to be the catalyst of Pupil A's physical aggression, rather than a reaction to it. Ms Gill's reaction, particularly to Pupil A telling her to "shut up" was disproportionate, inappropriate and unnecessary.

The panel heard evidence from Ms Gill that she was scared for the safety of other pupils, staff and herself. However, Ms Gill is not assisted in this by the CCTV evidence, which clearly shows her forcibly pushing Pupil A into the calm room despite there being no preceding physical threat.

The panel therefore found the facts of both limbs of allegation 1 proven.

2. You engaged in inappropriate and/or unprofessional behaviour towards Pupil A on or around 23 November 2018 and/or 30 November 2018, including by:

a. making comments such as “go on then stab me” and/or “I have got my foot here, oh dear little tiny [Pupil A]”.

b. holding the door of the calm room shut whilst Pupil A was inside.

On examination of the documents and CCTV before the panel, and the oral evidence provided at the hearing, particularly the admissions of Ms Gill, the panel was satisfied that the facts of allegation 2 were proven.

Allegation 2.a.

The panel noted from Individual A’s evidence and from its own viewing of the CCTV footage, that Ms Gill had, during the incidents, teased Pupil A. When holding the door of the calm room shut, Ms Gill can be clearly heard on the footage saying to Pupil A phrases such as “keep going I’ve got all day”, “I’ve only got my foot there”, “Oh tiny little [Pupil A’s name]”, and “you will get your fingers caught and you are going to cry”.

In respect of the “go on then stab me” allegation, the panel noted that disappointingly, the CCTV footage available to it appeared to be missing the relevant part of the footage. Accordingly, the evidence related to this allegation was hearsay and the panel considered this when assessing the totality of the evidence. However, based on Ms Gill’s admissions, together with the documentary evidence from the school’s investigative hearing, the panel was satisfied this had occurred.

Allegation 2.a.

The calm room is a de-escalation space within the school. The panel accepted Individual A’s account that it was a space for young people to be directed to or to take themselves away from a heightening situation. It is not a room that is intended for restraint and it does not have a facility to be locked (which would have in any event been against the school’s calm room policy).

The panel viewed CCTV footage from 23 November 2018 that clearly showed Ms Gill using her foot to keep the door of the calm room shut for a period of several minutes, while Pupil A was detained inside, repeatedly slamming his body against the door trying to get out. This was clearly in breach of the school’s calm room policy.

The panel therefore found the facts of both limbs of allegation 2 proven.

3. Your behaviour towards Pupil A as may be proven at 1 and 2 above;

a. was not line with [REDACTED] good practice;

b. constituted bullying and/or intimidation of Pupil A.

On examination of the documents and CCTV before the panel, the oral evidence provided at the hearing, including Ms Gill's admission to this allegation, the panel was satisfied that the facts of allegation 3 were proven.

Allegation 3.a.

The panel was provided, within the hearing bundle, with a number of the school's policies that Ms Gill had read and signed. These made it clear that physical restraint is only ever to be used as a last resort. In particular, the school's [REDACTED] Best Practice Handbook contained comprehensive guidance and several lists of "dos" and "don'ts" relating to handling [REDACTED] pupils. The "don'ts" relevant to Ms Gill's actions include:

- use sarcasm or tease;
- raise voice or criticise;
- view behaviour as naughty, as they can't help it; and
- if a pupil is refusing to do as you ask, don't overreact.

The Handbook also provides guidance to staff about how to approach challenging behaviour, directing staff to consider the totality of the pupil's environment and not to overreact to rudeness or be caught in an argument with pupils.

The panel considered that, by her behaviour, Ms Gill had breached the guidance issued by the school. Ms Gill also acknowledged that her actions would have been likely to escalate Pupil A's challenging behaviour, which was wholly contrary to the letter and spirit of [REDACTED] good practice.

Allegation 3.b.

The panel heard from Individual A that Pupil A was a pupil that presented challenging and difficult behaviour. Both Ms Gill and Individual A explained to the panel that because of his low self-esteem and complex needs, Pupil A could be defiant and argumentative. His fear of failure meant that his natural instinct was to refuse to do tasks, and he required a lot of positive reinforcement to engage in the work given to him.

Ms Gill accepted that she teased Pupil A and made the comments that can be heard on the CCTV footage. The panel considered that Ms Gill's actions in this respect were likely

to intimidate Pupil A, and which may have left him feeling scared and threatened, resulting in his anger.

The panel had particular regard to the fact these were not one-off incidents, and considered that Individual A's description of matters as a "vicious circle" whereby Pupil A's behaviour and Ms Gill's actions escalated, rather than de-escalated each other's reactions, to be an accurate reflection as to why matters had become so unmanageable. The panel considered this to be a manifestation of Ms Gill's lack of experience as a teacher.

The panel found the facts of both limbs of allegation 3 proven.

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

The panel was satisfied that the conduct of Ms Gill, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Ms Gill 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:
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - 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...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Ms Gill amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Ms Gill's conduct displayed behaviours associated with any of the offences listed on pages 10 and 11 of the Advice. The panel found that none of these offences were relevant.

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.

The panel therefore found that Ms Gill's actions constituted conduct that may bring the profession into disrepute.

The panel paid careful attention to the submissions advanced by Ms Gill's representative, which provided relevant context as to the circumstances surrounding the allegations. However, the panel considered that the submissions put forward by Mr Dayle spoke more to mitigating factors when considering the appropriate sanction, rather than disprove the facts of the allegations or that the proven facts amounted to unacceptable professional conduct or conduct that may bring the profession in to disrepute.

Having found the facts of allegations 1 to 3 proved, the panel further found that Ms Gill's conduct amounted to both unacceptable professional conduct 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 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 protection of pupils, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct.

In the light of the panel's findings against Ms Gill, which involved inappropriate physical contact with a pupil, there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of inappropriate behaviour towards a child.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Gill 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 Gill 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 Gill.

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 Gill. 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, those that were relevant in this case were:

- 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;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils; and
- sustained or serious bullying, or other deliberate behaviour that undermines pupils, the profession, the school or colleagues.

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 Gill's actions were, to a certain extent, deliberate. There was no evidence to suggest that Ms Gill was acting under duress.

The panel considered the following mitigating factors to be relevant:

- The panel noted that in Individual A's evidence, she explained that upon coming across Ms Gill on 30 November 2018, Ms Gill had been visibly distressed. Ms Gill admitted to Individual A that she had not been coping with Pupil A's challenging behaviour and that she was really struggling. Pupil A had hit Ms Gill and she confided in Individual A that she did not know what to do next in order to manage his challenging behaviour. The panel acknowledged that the incidents had occurred in Ms Gill's first term as a class teacher. The panel considered that, when faced with these challenging situations, Ms Gill may have been out of her depth. When this possibility was put to Ms Gill at the hearing, she agreed.

- Given the above, the panel was satisfied that there were gaps in the support provided to Ms Gill. Individual A acknowledged that Ms Gill's inability to cope with challenging behaviour had, more than likely, manifested itself in the behaviours outlined above. Individual A's evidence was unclear as to whether or not she, or any other senior leader, had observed Ms Gill's lessons. Individual A could not recall whether Ms Gill's line manager had been involved with any teacher performance management setting at the beginning of the academic year. The panel noted that the lack of clarity on these issues could be explained by the time that had passed since the incident, but remained unconvinced that Ms Gill had been adequately supported. The panel considered credible evidence from Ms Gill that she had, in fact, raised the issues with her line manager on several occasions but her concerns had not been addressed with sufficient seriousness.
- Ms Gill did have a previous good history. In particular, in her evidence, Individual A accepted that Ms Gill had been a "fabulous" LSA and that she had been the standout candidate for the Key Stage 3 teaching position during the interview process. Individual A had considered Ms Gill to be an excellent candidate to take on more responsibility. Individual A admitted that she was very surprised by the CCTV footage. Ms Gill admitted to having "snapped" and overreacted towards Pupil A on the two occasions.
- The panel noted the significance of the transition from LSA to Class Teacher, particularly in relation to leading a team, planning and delivering lessons and assessing pupils' development. The panel noted that because of Ms Gill's non-traditional entry into teaching (via her working towards Qualified Teacher Learning and Skills status), she was not required to do a statutory Newly Qualified Teacher ("NQT") year despite the fact she was technically qualified to teach at college level. The panel heard evidence from Individual A that, in place of the NQT year, the school operated an alternative program to support teachers entering the profession through non-traditional routes or teachers from overseas. However, Ms Gill said that she was unaware of this program but, had she been aware of it, would have volunteered to participate. The panel considered this a further example of the lack of monitoring and evaluation support provided to Ms Gill in her new class teacher role.
- The panel considered the weekly behavioural team meetings that should have taken place each Wednesday according to Individual A's evidence, were in fact more sporadic and inconsistent in nature. The same was noted about the "debriefs" that occurred after serious incidents. Individual A did not recall if a debrief had occurred after the incidents noted in the allegations against Ms Gill and accepted that, at the time of the allegations, they were not being used as effectively as they should have been. The panel noted that, since the incident, revised procedures had been introduced at the school.

- Ms Gill stated in her witness statement, dated 14 December 2020, that at the time of the allegations she was struggling to deal with personal issues as well as the workload and her new role as a class teacher. [REDACTED] Since then, Ms Gill has engaged with [REDACTED] and has developed coping strategies that she considered will better enable her to cope with such issues in the future.
- Ms Gill displayed insight into her unacceptable conduct, and the impact of it upon Pupil A. Ms Gill was very remorseful during her oral evidence and explained that her behaviour towards Pupil A was one of the biggest regrets of her life. Ms Gill acknowledged that Pupil A's progress would have been impaired because of her actions and that the incidents would have been very distressing for him and the other pupils in the class.
- Ms Gill provided some evidence to suggest that, otherwise than during these two incidents, she had a good relationship with Pupil A. In particular, that she went out of her way to personalise his work, positively reward him and update his mother as to the progress he was making on a regular basis. This was supported by the positive annual review in which Ms Gill's teaching of Pupil A was commended and it appeared Pupil A had made good progress in her class.
- Ms Gill accepted at the outset of the school's investigation that her conduct had been inappropriate. This was the earliest available opportunity for Ms Gill to make such an admission, which has been maintained throughout these proceedings.

On the contrary, the panel heard about the school's "Team Teach" de-escalation training course, in which Ms Gill had participated, that teaches de-escalation strategies and safe restraining methods as a last resort where students are putting themselves or others at risk of significant harm. The Team Teach course is 12 hours in length with 6-hour sessions provided as a refresher for staff every two years. The school also had two Team Teach trainers on site to deliver the training and to de-escalate incidents where needed. The panel noted that, particularly because of Ms Gill's experience as an LSA prior to her teaching role, she had an awareness as to [REDACTED] pupils' vulnerabilities and it was concerning that, despite that, she had resorted to physical intervention, knowingly exerting her power as both a teacher and a grown adult over Pupil A.

The panel considered that, despite some shortcomings in the school's systems, Ms Gill should have taken the responsibility both to ask to see Pupil A's BSP when he joined the class and to seek more advice at an earlier stage when her line manager was not sufficiently supportive. In particular, despite the events of 23 November 2018, Ms Gill had evidently not reflected on that and sought support, which may have prevented the incident on the 30 November 2018 from occurring.

The panel also considered a number of character references that were provided on Ms Gill's behalf. In particular, the panel noted the following statements:

- Individual C [REDACTED]:
 - *“Sonia was always a delight to work with and I was very shocked to hear the news. Sonia always followed safeguarding procedures and Eagle House behaviour policies despite the high level of needs of the students. Following my own observations of Eagle House, I believe this matter needs to be seriously investigated further. Sonia is a very kind-hearted, soft and empathetic individual, who never compromised her professional integrity. I remember her as a compassionate teacher who cared about the pupils and always had their best interest at heart.”*
 - Individual [REDACTED] *“...I find it difficult to find fault with how Sonia handled the situation. In all the extreme dealings we had with students, her first thought would be the safety of the students and ensuring that a calm resolution would be reached. She always had a strong desire to teach and care for children and fought for a long time to become a teacher. Sonia has always demonstrated a soft, sensitive nature with a desire to provide the best for the children in her care and I believe she would make a great teacher.”*

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 would be sufficient.

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

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Ms Gill. The repeated inappropriate use of physical contact with a student was a significant factor in forming that opinion. Accordingly, the panel made 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 for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, it may be 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.

Ms Gill has since showed remorse for her actions and taken time to reflect on and learn from them as stated in her witness statement dated 14 December 2020, and showed this

in her oral evidence. Ms Gill has also taken the time to research and educate herself further on positive behaviour management and further develop her knowledge on [REDACTED], although she has not undertaken any formal training.

The panel decided that 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 2-year review period.

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 Ms Sandeep Gill should be the subject of a prohibition order, with a review period of two years.

In particular, the panel has found that Ms Gill 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:
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - 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...
- 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 Ms Gill fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of inappropriate physical contact with a pupil, behaviour that was not in line with good practice and constituted bullying and/or intimidation of a pupil.

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 Ms Gill, and the impact that will have on her, 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, "In the light of the panel's findings against Ms Gill, which involved inappropriate physical contact with a pupil, there was a strong public interest consideration in respect of the protection of pupils, given the serious findings of inappropriate behaviour towards a child". 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, "Ms Gill displayed insight into her unacceptable conduct, and the impact of it upon Pupil A. Ms Gill was very remorseful during her oral evidence and explained that her behaviour towards Pupil A was one of the biggest regrets of her life. Ms Gill acknowledged that Pupil A's progress would have been impaired because of her actions and that the incidents would have been very distressing for him and the other pupils in the class".

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 Ms Gill were not treated with the utmost seriousness when regulating the conduct of the profession".

I am particularly mindful of the finding of inappropriate use of physical contact with a pupil 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 Ms Gill herself and the panel comment “Ms Gill did have a previous good history. In particular, in her evidence, Individual A accepted that Ms Gill had been a “fabulous” LSA and that she had been the standout candidate for the Key Stage 3 teaching position during the interview process. Individual A had considered Ms Gill to be an excellent candidate to take on more responsibility”.

A prohibition order would prevent Ms Gill 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 “The panel considered that, despite some shortcomings in the school’s systems, Ms Gill should have taken the responsibility both to ask to see Pupil A’s BSP when he joined the class and to seek more advice at an earlier stage when her line manager was not sufficiently supportive. In particular, despite the events of 23 November 2018, Ms Gill had evidently not reflected on that and sought support, which may have prevented the incident on the 30 November 2018 from occurring”.

I have also placed considerable weight on the finding of the panel that “The panel decided that the public interest considerations outweighed the interests of Ms Gill. The repeated inappropriate use of physical contact with a student was a significant factor in forming that opinion”.

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Gill 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. A published decision, in light of the circumstances in this case, does not in my view satisfy the public interest requirement concerning 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 “Ms Gill has since showed remorse for her actions and taken time to reflect on and learn from them as stated in her witness

statement dated 14 December 2020 and showed this in her oral evidence. Ms Gill has also taken the time to research and educate herself further on positive behaviour management and further develop her knowledge on [REDACTED], although she has not undertaken any formal training". The panel has also said that "it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a 2-year review period".

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 and in this case I believe it does.

I consider therefore that a 2-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Ms Sandeep Gill is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the prohibition order to be set aside, but not until 16 April 2023, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Gill remains prohibited from teaching indefinitely.

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

Ms Sandeep Gill has a right of appeal to the Queen's Bench Division of the High Court within 28 days from the date she is given notice of this order.

A handwritten signature in black ink, appearing to read 'SABuxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 7 April 2021

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