



Teaching
Regulation
Agency

Ms Corinne Culver: Professional conduct panel outcome

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

May 2022

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

Teacher: Ms Corinne Culver
Teacher ref number: 3949262
Teacher date of birth: 4 June 1988
TRA reference: 18280
Date of determination: 18 May 2022
Former employer: Tiger Primary School, Kent

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 17 to 18 May 2022 by way of a virtual hearing via Microsoft Teams, to consider the case of Miss Corinne Culver.

The panel members were Mr Peter Ward (lay panellist – in the chair), Ms Charlotte Kelly (lay panellist) and Mr Steve Woodhouse (teacher panellist).

The legal adviser to the panel was Ms Josie Beal of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Lucy Coulson of No5 Chambers, instructed by Browne Jacobson LLP solicitors.

Ms Culver was not present and was not represented.

The hearing took place by way of a virtual hearing in public, save for parts which were heard in private, and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 1 March 2022.

It was alleged that Ms Culver was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst employed as a teacher at Tiger Primary School between September 2017 and March 2019:

1. Between November 2018 - February 2019, on one or more occasion, she used unreasonable force and/or inappropriate physical intervention towards one or more pupils, including by:
 - a. Holding and/or pulling Pupil A by the hand and/or wrist so that her feet left the ground and/or she was on her tiptoes;
 - b. Dragging and/or pulling Pupil A by the hand and/or wrist out of the classroom, during which she hit her head on the door frame;
 - c. On or around 23 January 2019, lifting and/or carrying Pupil A by placing both her arms around her chest from behind;
 - d. Dragging and/or pulling Pupil D by the hand and/or wrist to remove him from the bathroom.
2. She failed to record all instances of her use of force and/or physical contact on one or more of the School's systems.
3. On one or more occasion she shouted and/or made inappropriate comments towards and/or in the proximity of one or more pupils, including:
 - a. 'get her/him away from me'
 - b. 'I can't do this' and/or 'I've had enough'
 - c. Stating 'she's been a right brat' or words to that effect, when referring to Pupil C.

Ms Culver made no specific admission of facts or of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, however she did provide written representations which the panel considered.

Preliminary applications

The panel noted that since the date of the referral to the TRA in this case, new 'Teacher misconduct: Disciplinary procedures for the teaching profession' were published in May

2020 (the 'May 2020 Procedures'). The panel understands that the earlier provisions contained within the 'Teacher misconduct: disciplinary procedures for the teaching profession' updated in April 2018 (the 'April 2018 Procedures') apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

Application to proceed in the absence of the teacher

Ms Culver was not present at the hearing nor was she represented. The presenting officer made an application to proceed in the absence of Ms Culver.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was satisfied that the Notice of Proceedings had been sent to Ms Culver in accordance with the Teacher misconduct: disciplinary procedures for the teaching profession 2018 (the "Procedures").

The panel was provided with correspondence from Ms Culver's representative which indicated that she did not expect to be well enough to attend the hearing and give evidence, however she remained content for the hearing to proceed in her absence and without a representative present. The panel therefore concluded that Ms Culver's absence was voluntary and that she was aware that the matter would proceed in her absence.

The panel noted that Ms Culver had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure her attendance at a hearing.

Whilst the panel noted the comments about Ms Culver's [REDACTED], it was not provided with any medical evidence from a medical professional nor was it given an indication as to if or when Ms Culver might be well enough to attend a hearing. The panel was also mindful that Ms Culver wanted the hearing to go ahead and that delaying the hearing might have an adverse impact on Ms Culver's [REDACTED].

The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witnesses of any delay.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Ms Culver was neither present nor represented.

Application for part of the hearing to be heard in private

The panel considered an application from Ms Culver that part of the hearing - [REDACTED] - should be heard in private.

The panel heard submissions from the presenting officer and was directed to written representations from Ms Culver and her representative before reaching its decision. The presenting officer did not have any objection to the application.

The panel granted the application. The panel considered it was not contrary to the public interest for the part of the hearing, which was the subject of the application, to be heard in private.

Application to admit additional documents

The panel considered a preliminary application from the presenting officer for the admission of additional documents.

The presenting officer's documents were a late evidence bundle comprising of emails between the presenting officer and the Headteacher of Tiger Primary School and emails between the teacher's representative and the presenting officer.

The documents subject to the application had not been served in accordance with the requirements of paragraph 4.20 of the Procedures. Therefore, the panel was required to decide whether the documents should be admitted under paragraph 4.25 of the Procedures.

The panel heard representations from the presenting officer in respect of the application.

The panel considered the additional documents were relevant. The panel noted that the teacher's representative had been made aware of the documents and had not provided any objection. Accordingly, the documents were added to the bundle.

Other preliminary issues

The presenting officer informed the panel of an error in the anonymised pupil list on page 7 of the hearing bundle. The names for Pupil D and Pupil E had been mixed up. Pupil D was actually [REDACTED] and Pupil E was actually [REDACTED].

The presenting officer told the panel that Ms Culver's representative had been made aware of this error on the day of the hearing. He did not have any objection to the anonymised pupil list being amended by hand, and he informed the presenting officer that he believed Ms Culver had understood who Pupil D was when addressing allegation 1(d) in her witness statement.

The panel therefore agreed to amend the anonymised pupil list.

The panel noted an error in the notice of hearing on page 11 of the bundle. One of the panellists, Charlotte Kelly, was incorrectly named as being Charlotte [REDACTED]. The presenting officer informed the panel that Ms Culver's representative had been made aware of this and did not raise any objections, nor any conflict of interest in respect of Charlotte Kelly.

Finally, the panel was provided with two CCTV recordings, however it was only able to view one of the recordings. The presenting officer confirmed that the second CCTV recording was not directly relevant to the allegations before the panel and that the TRA was content to proceed without the CCTV recording and the stills of the recording contained within the hearing bundle. The panel did not consider the second CCTV recording and the stills of the recording were disregarded.

Summary of evidence

Documents

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

- Section 1: Chronology and anonymised person list – page 6 to 7
- Section 2: Notice of proceedings – pages 9 to 21
- Section 3: TRA witness statements – pages 23 to 36
- Section 4: TRA documents – pages 38 to 120
- Section 5: Teacher documents – pages 122 to 155
- CCTV footage – provided separately

In addition, the panel agreed to accept the following:

- Late evidence bundle containing emails between the presenting officer and the Headteacher of Tiger Primary School and emails between the presenting officer and teacher's representative.

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

Witnesses

The following witnesses were called to give oral evidence on behalf of the TRA:

- Staff Member 1 [REDACTED]

- Staff Member 3 [REDACTED]

Decision and reasons

The panel announced its decision and reasons as follows:

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

In summary, Ms Culver was employed by Tiger Primary School ('the School') from 1 September 2012 until she resigned on 15 March 2019. Ms Culver commenced her employment as a teaching assistant and was later promoted to become an unqualified teacher from 25 September 2017. Ms Culver taught a reception class.

On 6 February 2019, a member of staff reported concerns about Ms Culver's behaviour towards pupils. A referral was made to the Local Authority Designated Officer ('LADO').

On 7 February 2019, Ms Culver was suspended from duty.

Interviews with staff members were held on 11 February 2019 and further interviews were carried out on 13 February 2019.

An investigation meeting with Ms Culver was held on 1 March 2019, which was adjourned midpoint as Ms Culver felt she could not continue with the meeting. Investigation questions were therefore sent to Ms Culver by email, on the same day, which she responded to on 5 March 2019.

Ms Culver resigned from her post on 15 March 2019. A disciplinary hearing was held on 19 March 2019. The matter was referred to the TRA on 26 March 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. Between November 2018 - February 2019, on one or more occasion, you used unreasonable force and/or inappropriate physical intervention towards one or more pupils, including by:**
 - a. Holding and/or pulling Pupil A by the hand and/or wrist so that her feet left the ground and/or she was on her tiptoes;**
 - b. Dragging and/or pulling Pupil A by the hand and/or wrist out of the classroom, during which she hit her head on the door frame;**

c. On or around 23 January 2019, lifting and/or carrying Pupil A by placing both your arms around her chest from behind;

d. Dragging and/or pulling Pupil D by the hand and/or wrist to remove him from the bathroom.

Allegation 1(a)

The panel was provided with oral and written evidence from Staff Member 3 in respect of allegation 1(a). Staff Member 3 explained that at some point in winter 2018 she heard a child screaming in Ms Culver's classroom and went to check if Ms Culver required any assistance. Staff Member 3 said that when she arrived at the classroom, Ms Culver had hold of Pupil A by the wrist and was holding her up in the air; she described the grip as "tight and forceful". Staff Member 3 said that Pupil A's feet were not touching the floor and estimated that the distance between Pupil A's feet and the floor was broadly equivalent to the length of her forearm. Staff Member 3 said that Pupil A's feet remained off of the floor throughout her conversation with Ms Culver. Staff Member 3 took Pupil A into her classroom after this incident.

Staff Member 3 described a further incident in December 2018 where Ms Culver dragged Pupil A out of a classroom to the carpet in the hall and shouted at her. Staff Member 3 stated that Ms Culver dragged Pupil A by her wrist and that her feet were not touching the floor.

Staff Member 3 told the panel that staff members had received de-escalation training and, amongst other things, were provided with a lanyard setting out de-escalation methods to work through during challenging situations. Staff Member 3 said that she did not witness Ms Culver attempting de-escalation techniques during the two incidents with Pupil A.

The panel found Staff Member 3 to be a credible and consistent witness.

The panel noted Ms Culver's witness statement, in which she indicated that she had no recollection of having held a pupil off the ground by their wrist and had no recollection of the incidents described by Staff Member 3. Ms Culver stated that she might have held both of Pupil A's hands on occasion.

Having considered the evidence before it, the panel was satisfied on the balance of probabilities that on at least one occasion Ms Culver held and/or pulled Pupil A by the hand or wrist so that her feet left the ground. The panel was not presented with any evidence to suggest that it was appropriate for Ms Culver to use force in these circumstances. For example, there was no evidence of danger or potential risk to the pupil or others. The panel did not consider that it was appropriate to hold a pupil off the ground in this manner. The panel therefore concluded that Ms Culver used unreasonable force and inappropriate physical intervention. The panel found allegation 1(a) proven.

Allegation 1(b)

The panel was provided with oral and written evidence from Staff Member 1 in respect of allegation 1(b). Staff Member 1 explained that Pupil A could be difficult and defiant and would sometimes repeatedly say “no”. [REDACTED].

Staff Member 1 recalled a separate incident where she believed Pupil A was saying “no” to Ms Culver. Staff Member 1 stated that, whilst removing Pupil A from the classroom, Ms Culver dragged Pupil A by her wrist causing Pupil A to be on her tip toes. Staff Member 1 believed that Ms Culver was dragging Pupil A in a forceful manner. Staff Member 1 heard a scream, and later discovered that Pupil A had banged her head on the door frame whilst she was being removed from the classroom by Ms Culver. Staff Member 1 confirmed that she did not see Pupil A bang her head on the door frame and was unsure how this happened.

The panel found Staff Member 1 to be a credible and consistent witness.

In her witness statement, Ms Culver recalled the incident referred to in allegation 1(b), but not how it started. Ms Culver stated that she had no recollection of dragging Pupil A by the wrist so that she was on her tiptoes. Ms Culver submitted that she was shocked by the description and did not recall being angry. Ms Culver did, however, recall that Pupil A bumped her head on the doorframe. Her recollection was that Pupil A pulled back from Ms Culver whilst walking through the door and banged her head on the doorframe.

The panel was provided with a school incident form which stated that Pupil A had walked into a door frame and needed a cold compress. The panel was also provided with a record Ms Culver added to the School’s safeguarding system, My Concern. The record stated: *“[Pupil A] has had moments of defiance today where she would shout at adults and refuse instructions. She has needed a lot of 1-1 time today [Pupil A] also had a bump at school today – she walked into the door frame of [the classroom] causing a red mark on her right ear...”*.

Having considered the evidence before it, the panel was satisfied on the balance of probabilities that Ms Culver dragged or pulled Pupil A by the hand or wrist out of the classroom. The panel was also satisfied that Pupil A sustained an injury to her head whilst being dragged out of the classroom. However, the panel did not have sufficient evidence before it to conclude how Pupil A injured her head or whether the injury was caused by Ms Culver, nor did the panel consider that the allegation required it to make such a determination.

The panel was not presented with any evidence to suggest that it was appropriate for Ms Culver to use force in these circumstances. For example, there was no evidence of danger or potential risk to the pupil or others. The panel considered that Ms Culver could and should have attempted to use non-physical de-escalation techniques. The panel

therefore concluded that Ms Culver used unreasonable force and inappropriate physical intervention. The panel found allegation 1(b) proven.

Allegation 1(c)

In her witness statement, Ms Culver stated that she remembered finding Pupil A swinging on the bannister of the stairs near to the classroom. She was concerned about this and tried to take Pupil A's hand. Pupil A pulled away, which stretched their contact and, because Ms Culver was concerned that Pupil A might fall and injure herself, Ms Culver kept hold of her. Ms Culver accepted that she extended Pupil A's arm and that she then picked Pupil A up to take her back to the classroom.

Ms Culver stated that she had not been trained in physical restraint techniques such as team teach and apologised that she picked up Pupil A clumsily or inappropriately. She stated that she understood that physical force should be a last resort and that she should have been more patient with Pupil A, but she had been influenced by the difficulties that Pupil A had presented throughout the year.

The panel was shown CCTV footage relating to allegation 1(c). In the footage, Pupil A can be seen swinging on the bannister to the stairs. Ms Culver can be seen pulling Pupil A by the arm, and lifting/carrying Pupil A by placing both arms around her chest from behind. The panel was therefore satisfied that the events described in allegation 1(c) occurred.

Whilst the panel appreciated that Ms Culver might have been concerned about Pupil A playing on the stairs, the CCTV footage did not show Ms Culver attempting to use any other techniques to de-escalate the situation or guide Pupil A away from the stairs without using force.

The panel was provided with Ms Culver's training certificates for care and control of children and young people training (undertaken in 2012 and valid for 12 months) and paediatric first aid (undertaken in 2015, and valid until July 2018). The panel noted Ms Culver's comments that she had not received training in respect of physical restraint techniques and it was mindful that the training she had attended in respect of other matters appeared to have been before she became an unqualified teacher and a number of years before the incident described in allegation 1(c). Staff Member 3 told the panel that team teach training was provided to the headteacher and key stage leaders and that the training was passed on at a compulsory after School session. However the disciplinary meeting notes indicated that Ms Culver had not attended team teach training due to [REDACTED].

The panel was not able to clearly determine what training Ms Culver had received in respect of physical intervention. However, the panel considered that, Ms Culver's actions were contrary to the School's Positive Handling and Physical Intervention Policy which

stated that physical intervention should be used as a last resort and that the level of restraint employed should be the minimum necessary. It also stated that staff should be mindful of the levels of risk associated with extending or flexing joints and pressure on the neck, chest or abdomen.

The panel considered that force should be used as a last resort, as acknowledged by Ms Culver in her witness statement. The panel was of the view that Ms Culver's actions constituted a substantial and inappropriate physical intervention as a first resort. The panel therefore concluded that Ms Culver used unreasonable force and inappropriate physical intervention. The panel found allegation 1(c) proven.

Allegation 1(d)

The panel was provided with oral and written evidence from Staff Member 1 in respect of allegation 1(d).

Staff Member 1 explained that Pupil D was often reluctant to come to school and, when dropped off at school, he would often go to the bathroom and scream and shout.

Staff Member 1 recalled an incident where Pupil D was screaming in the bathroom and Ms Culver took him by the wrist and dragged him out of the bathroom. Staff Member 1 described the dragging as "rough" and stated that Pupil D was screaming during the incident, although she believed that this was because he was in a temper rather than because Ms Culver was hurting him.

Staff Member 1 told the panel that she could hear Pupil D banging on the door in the bathroom and making a lot of noise. She could not see inside the bathroom but she could see Pupil D being dragged from the bathroom.

As referred to above, the panel found Staff Member 1 to be a credible and consistent witness.

In her witness statement, Ms Culver stated that she knew which pupil was being described in this allegation. She submitted that at times, Pupil D would hide in the bathroom and would have to be led out, but it would always be done gently by the hand. Ms Culver did not recall this incident and was shocked and upset by the description.

Having considered the evidence before it, the panel was satisfied on the balance of probabilities that Ms Culver dragged or pulled Pupil D by the hand or wrist to remove him from the bathroom.

The panel was not presented with any evidence to suggest that it was appropriate for Ms Culver to use force in these circumstances. For example, there was no evidence of danger or potential risk to the pupil or others. The panel was of the view that there was no reason for Pupil D to be dragged, or even removed, from the bathroom. The panel

considered that Ms Culver could and should have attempted to use non-physical de-escalation techniques. The panel therefore concluded that Ms Culver used unreasonable force and inappropriate physical intervention. The panel found allegation 1(d) proven.

On examination of the evidence before the panel, the panel was satisfied that the facts of allegations 1(a), (b), (c) and (d) were proven.

2. You failed to record all instances of your use of force and/or physical contact on one or more of the School's systems.

In her witness statement, Ms Culver submitted that she understood her duty to report anything untoward, and took this seriously. She believed she would have reported appropriately had she thought an incident of force or physical contact had occurred. Ms Culver stated that she did report Pupil A bumping her head and treated the injury in the appropriate way.

In respect of the CCTV footage concerning the incident with Pupil A on or around 23 January 2019, Ms Culver accepted that, upon reviewing the footage, it would have been appropriate to record that handling and apologised for the oversight in not doing so.

As set out above, the panel was provided with a school incident report form which stated that Pupil A had walked into a doorframe and needed a cold compress. It was unclear whether this form was completed by Ms Culver.

The panel was also provided with two records made by Ms Culver on the School's safeguarding system, My Concern, both of which related to Pupil A. The first entry, on 24 January 2019, referred to Pupil A refusing instructions and shouting, resulting in Ms Culver taking her out of the classroom to spend some time in a "buddy" class. The second entry, on 4 February 2019, is referred to above and stated: "*[Pupil A] has had moments of defiance today where she would shout at adults and refuse instructions. She has needed a lot of 1-1 time today [Pupil A] also had a bump at school today – she walked into the door frame of [the classroom] causing a red mark on her right ear...*".

The panel was concerned that the My Concern reports made by Ms Culver did not accurately record the incidents that had taken place. For example, Ms Culver did not record that Pupil A had bumped her head whilst Ms Culver was removing her from the classroom using force.

The panel was not provided with any evidence to suggest that Ms Culver had recorded her use of force and/or physical contact as described in allegations 1(a) to 1(d) above. The panel therefore concluded that Ms Culver failed to record the instances of her use of force and/or physical contact as described in allegations 1(a) to 1(d) above.

On examination of the evidence before the panel, the panel was satisfied that the facts of allegation 2 were proven.

- 3. On one or more occasion you shouted and/or made inappropriate comments towards and/or in the proximity of one or more pupils, including:**
- a. ‘get her/him away from me’**
 - b. ‘I can’t do this’ and/or ‘I’ve had enough’**
 - c. Stating ‘she’s been a right brat’ or words to that effect, when referring to Pupil C.**

The panel was provided with oral and written evidence from Staff Member 1 in respect of allegations 3(a) and 3(b). Staff Member 1 recalled a number of occasions where Ms Culver would shout in the presence of pupils. Staff Member 1 believed the shouting was loud and often in an angry voice. Staff Member 1 stated that Ms Culver would often say (in front of pupils) *“get her/him away from me”*, normally about Pupil D, and that she would also say (again in front of pupils) *“I can’t do this I’ve had enough”*.

The panel also considered the witness statement and oral evidence of Staff Member 3 in respect of allegation 3(c). Staff Member 3 stated that, in November or December 2018, she went into Ms Culver’s classroom and asked her how she was. Ms Culver appeared frustrated and said, whilst nodding towards Pupil C, *“she has been a right brat”*. Staff Member 3 said that, when Ms Culver said this, Pupil C was sat on the carpet directly in front of her. Staff Member 3 said that Ms Culver was using a normal voice and that Pupil C looked up at the time and could, therefore, have heard what Ms Culver said.

In her witness statement, Ms Culver accepted that she may have said *“get her/him away from me”* when she was stressed or frustrated, but would have not intended a pupil to hear it. Ms Culver also accepted that she said *“I can’t do this”* and *“I’ve had enough”* in 2018/2019. She said that she felt completely exhausted and was asking for help as an unqualified teacher in charge of a class of 31 pupils, a number of whom had additional learning and behavioural needs.

Ms Culver also accepted that she probably said *“she has been a right brat”* in front of Pupil C. She stated that stress and a lack of training in respect of how to manage such a challenging classroom meant that she sometimes spoke out. Whilst she tried not to show this level of distress in front of pupils, she accepted that, at times, she could have been overheard, which was not her intention. Ms Culver accepted that this was inappropriate and apologised for it.

Having considered the evidence before it, the panel concluded that it was more likely than not that Ms Culver had made all of the comments set out at allegations 3(a) to 3(c) in front of pupils.

The panel concluded that all of the comments set out at allegations 3(a) to 3(c) were inappropriate comments. Ms Culver was in a position of trust, particularly as a reception

teacher responsible for teaching pupils in their formative years. She was a role model responsible for developing confidence, self-esteem and shaping the minds of four and five year old pupils. The panel was of the view that pupils who overheard Ms Culver's comments might feel that they had done something wrong or were not wanted in her classroom. It was not appropriate for Ms Culver to say "*get him/her away from me*" in respect of a pupil or call a pupil a "*brat*". Whilst the panel appreciated that Ms Culver may have been under stress, it was not appropriate for her to say "*I can't do this*" or "*I've had enough*" in front of pupils.

On examination of the evidence before the panel, the panel was satisfied that the facts of allegation 3(a), (b) and (c) were proven.

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

Having found the allegations proved, the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers (February 2022), which is referred to as 'the Advice'.

The panel was satisfied that the conduct of Ms Culver in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Ms Culver 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, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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

However, the panel was satisfied that the conduct of Ms Culver amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. It is not acceptable for a teacher to use unreasonable force or inappropriate physical intervention and it is not acceptable to drag or pull pupils or hold them off of the floor.

The panel was also concerned that Ms Culver had not recorded the incidents of physical intervention or force, or that she had not recognised the need to record these incidents. The panel was further concerned about Ms Culver's use of negative language in front of pupils, particularly given that she taught a reception class where her pupils would be impressionable. The panel was mindful that Ms Culver might have been the first teacher her pupils had come into contact with, and they might therefore regard her behaviour as normal, such that they would be less likely to report it to the School or their parents than an older pupil.

Accordingly, the panel was satisfied that Ms Culver was guilty of unacceptable professional conduct.

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 findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on Ms Culver's status as a teacher, potentially damaging the public perception.

In particular, the panel was of the view that the public would not expect a teacher to use force and physical contact in the manner in which Ms Culver had, especially within a reception class of a primary school. The panel also considered that the public would not expect a teacher to fail to report the use of force or physical intervention, or for a teacher to make inappropriate comments in front of young pupils.

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

Having found the facts of allegations 1, 2 and 3 proved, the panel further found that Ms Culver'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.

The panel were aware that 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 a 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 safeguarding and wellbeing of pupils and protection of other members of the public, the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct and that prohibition strikes the right balance between the rights of the teacher and the public interest.

In the light of the panel's findings against Ms Culver which involved the use of unreasonable force, inappropriate physical contact and inappropriate comments towards or in the presence of pupils, there was a strong public interest consideration in respect of the protection of pupils.

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

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 Culver. 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 safeguarding and well-being of pupils, and particularly where there is a continuing risk;
- violation of the rights of pupils;

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.

The panel was of the view that Ms Culver's actions were deliberate, and it was not provided with evidence to suggest that she has contributed significantly to the education sector. There was no evidence to suggest that Ms Culver was acting under extreme duress. The panel acknowledged Ms Culver's representations that she was [REDACTED], although it was not provided with any formal medical evidence in this regard.

The panel also acknowledged that Ms Culver felt unsupported by the School and, in particular, she did not feel she had received adequate support in her transition from a teaching assistant to an unqualified teacher. This was contradicted by the School, who took the view that Ms Culver had been provided with, or had access to, adequate support and training.

In addition, Ms Culver stated that she had been [REDACTED].

In her witness statement, Ms Culver stated that she had tried to manage her [REDACTED] without impacting on her work, but clearly failed in this regard. She further stated that, upon reflection, by late 2018 [REDACTED], however she did not wish to let the pupils or her colleagues down.

The panel noted submissions from Ms Culver's representative, dated 26 November 2021, which stated that Ms Culver [REDACTED].

The panel also took into account several witness statements submitted on behalf of Ms Culver which contained evidence pertaining to Ms Culver's character.

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 Culver of prohibition.

The panel was sympathetic to Ms Culver and understood and recognised the pressures that she was under as an unqualified teacher. The panel also acknowledged her [REDACTED]. Although the panel considered Ms Culver's conduct to be at the less serious end of the spectrum, it did not consider that she had demonstrated sufficient insight into her actions.

Whilst Ms Culver provided a witness statement within which she accepted some parts of the allegations, she did not admit to all of the allegations (which the panel subsequently found to be proven) nor did she provide formal admissions in respect of the allegations that she appeared to accept. Furthermore, she did not attend the hearing to explain her conduct. The panel was aware that Ms Culver did not feel able to attend the hearing as a result of her [REDACTED], but it was not provided with any [REDACTED] in this regard and considered that it would have been helpful to have heard evidence from Ms Culver.

Ultimately, there was insufficient evidence before the panel to demonstrate that Ms Culver had properly reflected on or learnt from her mistakes. The panel was not provided with any tangible evidence detailing any treatment plans in place to assist Ms Culver with her [REDACTED] or any other steps taken by Ms Culver to address the issues that she says contributed and/or led to her misconduct. As a result, the panel was not convinced that it would be appropriate for Ms Culver to return to teaching and it was concerned that, if she were permitted to return to the classroom, there was a risk of her misconduct re-occurring. Accordingly, the panel was of the view that the protection of pupils was a serious consideration.

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 Culver. Ms Culver's lack of insight in respect of her conduct 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, 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 proved, would militate against the recommendation of a review period. The panel found that Ms Culver was not responsible for any such behaviours.

The Advice also indicates that there are behaviours that, if provided, would have greater relevance and weight in favour of a longer review period. The panel found that Ms Culver was not responsible for any such behaviours.

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. The panel was of the view that a 2 year review period was appropriate in the circumstances on the basis that it reflected that Ms Culver's conduct was at the less serious end of the spectrum. Furthermore, the panel considered that 2 years should be a sufficient amount of time for Ms Culver to properly reflect on her actions and take positive steps to demonstrate that she has addressed the issues that contributed to her conduct.

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 conduct that may bring the profession into disrepute.

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

In particular, the panel has found that Ms Culver 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, and maintain high standards in their own attendance and punctuality.

- 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 Culver fell significantly short of the standards expected of the profession.

The findings of misconduct include the use of unreasonable force, inappropriate physical contact and inappropriate comments towards or in the presence of pupils.

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 Culver, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect pupils. The panel has observed, "In the light of the panel's findings against Ms Culver which involved the use of unreasonable force, inappropriate physical contact and inappropriate comments towards or in the presence of pupils, there was a strong public interest consideration in respect of the protection of pupils." 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, "The panel was sympathetic to Ms Culver and understood and recognised the pressures that she was under as an unqualified teacher. The panel also acknowledged her [REDACTED]. Although the panel considered Ms Culver's conduct to be at the less serious end of the spectrum, it did not consider that she had demonstrated sufficient insight into her actions." In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils'. 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 Ms Culver was 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 Ms Culver herself and the panel comment “The panel was of the view that Ms Culver’s actions were deliberate, and it was not provided with evidence to suggest that she has contributed significantly to the education sector. There was no evidence to suggest that Ms Culver was acting under extreme duress. The panel acknowledged Ms Culver’s representations that she was [REDACTED], although it was not provided with any formal medical evidence in this regard.”

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

In this case, I have placed considerable weight on the panel’s comments concerning the lack of insight. The panel has said, “there was insufficient evidence before the panel to demonstrate that Ms Culver had properly reflected on or learnt from her mistakes. The panel was not provided with any tangible evidence detailing any treatment plans in place to assist Ms Culver with her [REDACTED] or any other steps taken by Ms Culver to address the issues that she says contributed and/or led to her misconduct. As a result, the panel was not convinced that it would be appropriate for Ms Culver to return to teaching and it was concerned that, if she were permitted to return to the classroom, there was a risk of her misconduct re-occurring. Accordingly, the panel was of the view that the protection of pupils was a serious consideration.”

I have also placed considerable weight on the finding of the panel that “Ms Culver was in a position of trust, particularly as a reception teacher responsible for teaching pupils in their formative years. She was a role model responsible for developing confidence, self-esteem and shaping the minds of four and five year old pupils. The panel was of the view that pupils who overheard Ms Culver’s comments might feel that they had done something wrong or were not wanted in her classroom.”

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Culver 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, that is not backed up by full insight, 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 "The panel was of the view that a 2 year review period was appropriate in the circumstances on the basis that it reflected that Ms Culver's conduct was at the less serious end of the spectrum. Furthermore, the panel considered that 2 years should be a sufficient amount of time for Ms Culver to properly reflect on her actions and take positive steps to demonstrate that she has addressed the issues that contributed to her conduct."

I agree with the panel that a two year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Ms Corrine Culver 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 7 June 2024, 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 Culver remains prohibited from teaching indefinitely.

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

Ms Culver 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.

Decision maker: Sarah Buxcey

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

Date: 23 May 2022

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