



Teaching  
Regulation  
Agency

# **Mrs Jayne Geary: Professional conduct panel outcome**

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

**June 2022**

## Contents

Introduction	3
Allegations	4
Preliminary applications	4
Summary of evidence	9
Documents	9
Witnesses	10
Decision and reasons	10
Findings of fact	10
Panel's recommendation to the Secretary of State	19
Decision and reasons on behalf of the Secretary of State	22

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

<b>Teacher:</b>	Mrs Jayne Geary
<b>Teacher ref number:</b>	3348372
<b>Teacher date of birth:</b>	15 August 1964
<b>TRA reference:</b>	17363
<b>Date of determination:</b>	16 June 2022
<b>Former employer:</b>	Southlands School, Hants

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by video link on 13 to 16 June 2022, to consider the case of Mrs Jayne Geary.

The panel members were Mr Clive Ruddle (lay panellist – in the chair), Mr Roger Woods (former teacher panellist) and Mrs Joanna Hurren (teacher panellist).

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

The presenting officer for the TRA was Mr Ian Perkins of Browne Jacobson solicitors.

Mrs Jayne Geary was not present and was not represented.

The hearing took place in public, except for parts of the hearing that were heard in private, and was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 12 April 2022.

It was alleged that Mrs Jayne Geary was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that whilst employed as a Teacher at Southlands School between April 2015 and April 2017:

1. She failed to maintain professional boundaries in respect of one or more pupils, including Pupil A, by:
  - a. Asking one or more members of staff to leave the room so that she could be alone with him;
  - b. Giving him chocolate and/or biscuits in exchange for following her instructions;
  - c. Contacting him and/or his mother via email on one or more occasions;
  - d. Allowing him into her home on one or more occasions, including on or around 7 April 2014.
2. Her conduct as may be found proven at allegation 1c and/or 1d amount to a failure to comply with the terms of her suspension issued on or around 13 March 2017.
3. She engaged in inappropriate and unprofessional behaviour on one or more occasions, including by:
  - a. making negative and/or critical comments within e-mail correspondence sent to her colleagues and/or parents;
  - b. making negative and/or critical comments about one or more of her colleagues in discussions with pupils and/or parents;
  - c. walking out of meetings on one or more occasions.

Mrs Jayne Geary did not admit the facts of the allegations or that those facts amounted to unacceptable professional conduct or conduct that may bring the profession into disrepute.

## Preliminary applications

### Proceeding in absence

The panel considered whether the hearing should continue in the absence of the teacher.

The panel was provided with a bundle of documents by the presenting officer, relating to attempts to contact Mrs Geary. Those documents were not served in accordance with the

requirements of paragraph 4.20 of the Procedures, and as such the panel decided whether those documents should be admitted under paragraph 4.25 of the procedures at the discretion of the panel. The panel took into account the representations from the presenting officer, that the documents related to communication with Mrs Geary and were directly related to the panel's decision as to whether to proceed in Mrs Geary's absence.

Under paragraph 4.18 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that the documents were relevant to the case. With regard to the overall question of fairness, the panel noted that the documents related to recent direct attempts to communicate with Mrs Geary, and do not relate to the allegations themselves.

By reason of the above, the panel decided to admit the documents.

The panel was satisfied that TRA had complied with the service requirements of paragraph 19 a to c of the Teachers' Disciplinary (England) Regulations 2012, (the "Regulations").

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession, (the "Procedures").

The panel determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel took as its starting point the principle from *R v Jones* that its discretion to commence a hearing in the absence of the teacher has to be exercised with the utmost care and caution, and that its discretion is a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba and Visvardis*.

In making its decision, the panel noted that the teacher may waive her right to participate in the hearing. The panel firstly took into account the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC 1.

The panel was satisfied that Mrs Geary was aware of the case, as she had previously engaged with the TRA and provided a written response.

The panel noted that 8 weeks' notice of the current proceedings had been given and was sent to an address to which the teacher has previously responded to, which was her last known address. The panel heard from the presenting officer as to the attempts made to contact Mrs Geary and to trace alternative addresses. The panel noted that attempts to

contact Mrs Geary by email had been unsuccessful, and letters sent to a previous known address were returned to sender. However, the panel noted that some letters had been delivered and signed for by 'Geary' or by 'Jayne'. The panel therefore considered that the teacher had waived her right to be present at the hearing in the knowledge of when and where the hearing was taking place.

The panel did not consider that an adjournment would result in the teacher attending voluntarily. The panel noted that the hearing was previously scheduled in 2020 and again in 2021. The panel also noted that Mrs Geary had withdrawn her consent for the TRA and the presenting officer's firm to contact her by email. Given the lack of engagement from Mrs Geary since 2020, the panel did not consider that an adjournment would result in further engagement from Mrs Geary.

Mrs Geary had not expressed any wish to adjourn or to obtain legal representation.

The panel had the benefit of representations made by the teacher and was able to ascertain the lines of defence. The panel had the teacher's evidence addressing mitigation and was able to take this into account at the relevant stage. The panel noted that all witnesses relied upon were to be called to give evidence and the panel can test that evidence in questioning those witnesses, considering such points as are favourable to the teacher, as are reasonably available on the evidence. The panel had not identified any significant gaps in the documentary evidence provided to it and should such gaps arise during the course of the hearing, the panel may take such gaps into consideration in considering whether the hearing should be adjourned for such documents to become available and in considering whether the presenting officer has discharged the burden of proof. The panel was also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

[REDACTED]

The panel recognised that the allegations against the teacher are serious and that there is a real risk that if proven, the panel will be required to consider whether to recommend that the teacher ought to be prohibited from teaching.

The panel also noted that there are witnesses present at the hearing, who were prepared to give evidence, and that it would be inconvenient and distressing for them to return again. Delaying the case for a further period of time may impact upon the memories of those witnesses.

The panel decided to proceed with the hearing in the absence of the teacher. The panel considered that in light of the teacher's waiver of her right to appear; by taking such measures referred to above to address that unfairness insofar as is possible; and taking account of the inconvenience an adjournment would cause to the witnesses; that on

balance, these are serious allegations and the public interest in the hearing proceeding within a reasonable time was in favour of the hearing continuing.

### **Amending the allegations**

An application was made by the presenting officer to amend the Notice of Proceedings by amending allegation 1d to read 'April 2017'. The panel had the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

Before making an amendment, the panel was required to consider any representations by the presenting officer and by the teacher, and the parties were afforded that opportunity. The panel exercised caution given that it had decided to proceed in the absence of the teacher.

The panel considered that the amendment proposed, being a correction of a typographical error, did not change the nature, scope or seriousness of the allegations. There was no prospect of the teacher's case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice caused to the teacher.

The panel was concerned that this application was made at such a late stage in the proceedings, and exercised caution to ensure that there was no unfairness to the teacher. The panel considered that the teacher would have anticipated that there had been such an error, given that the date April 2014 was before her employment with the school and given the reference in allegation 2 to her actions being contrary to the terms of her suspension issued on or around 13 March 2017. The reference to 2017 had therefore been disclosed to the teacher prior to the hearing. The panel had in mind that the interests of justice were in favour of this allegation not being defeated as a result of poor drafting. The teacher provided her response to allegation 1d in advance of the hearing, and on reading that explanation, the panel did not consider this response would have been different had the allegation referred to 2017, rather than 2014. The panel therefore agreed to the amendment.

The panel also considered whether to amend the wording of the stem of allegation 1, 'including Pupil A' to 'in respect of Pupil A' or whether it was the panel's view that the allegation has been sufficiently particularised in advance of the hearing for the defence to be able to address matters pertaining to the stem of the allegation but which were not specifically set out in sub-allegations 1a to 1d. The panel considered whether amending to 'in respect of Pupil A' would have an impact on the teacher's defence. The panel noted that the stem of allegation 1 referred to 'one or more pupils', and that the amendment would provide clarity as to the allegations. The panel did not consider that the amendment would cause unfairness to the teacher and decided to amend allegation 1 to 'You failed to maintain professional boundaries in respect of Pupil A, by'.

The panel considered whether to amend the wording of the stem of allegation 3 to remove the reference to 'including by'. The panel considered whether removing the reference to 'including' would have an impact on the teacher's defence. The panel heard from the presenting officer that it was not the TRA's intention to refer to matters not specifically set out in sub-allegations 3a to 3c. The panel considered that the amendment would provide clarity as to the allegations and did not consider that the amendment would cause unfairness to the teacher. The panel decided to amend allegation 3 to 'You engaged in inappropriate and/or unprofessional behaviour on one or more occasions, by'.

### **Telephone evidence**

The panel noted that the Procedures do not specifically provide for the use of telephone evidence. The panel accepted the legal advice that pursuant to paragraph 4.18 of the Procedures, it may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel sought clarification from the presenting officer as to why the witness was unwilling to give evidence by a video link. The panel heard representations from the presenting officer as to why, for [REDACTED], it was not possible for the witness to sit in front of a screen.

The panel also requested clarification from the presenting officer as to whether the witness would be unwilling to attend if evidence was required by video-link, rather than by telephone. The presenting officer clarified that the witness had declined to give evidence by video-link to protect her [REDACTED].

The panel considered that it was in the interests of justice and in fairness to the teacher, to have the opportunity to question the witness. As such, the panel decided to hear the evidence of the witness by telephone.

### **Excluding the public**

The presenting officer applied for parts of the hearing to be in private, relating to Witness B's [REDACTED].

The panel considered whether to exercise its discretion under paragraph 11 of the Teachers' Disciplinary (England) Regulations 2012 (the "Regulations") and paragraph 4.57 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (the "Procedures") to exclude the public from all or part of the hearing.

The panel determined to exercise its discretion under paragraph 11(3)(a) of the Regulations and the first bullet point of paragraph 4.57 of the Procedures that the public should be excluded from the hearing.

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these



proceedings and also to maintain confidence in the teaching profession. On this occasion, however, the panel considered that the request for part of the hearing to be heard in private, was a reasonable one given concerns about confidential matters relating to the witness' [REDACTED] being placed in the public domain. The panel considered whether there were any steps short of excluding the public that would serve the purpose of protecting the confidentiality of matters relating to the witness' [REDACTED].

The panel considered whether it would sufficiently protect the interests of third parties to grant anonymity to those third parties without the need to exclude the public from the hearing.

The panel noted the concerns about information of an intimate nature relating to the witness being made public. The panel considered that anonymity did not sufficiently protect the witness, given her relationship with Pupil A, and as such decided to exclude the public from parts of the hearing relating to the witness' [REDACTED].

The panel had regard to whether the request ran contrary to the public interest. The panel was required to announce its decisions in public as to whether the facts had been proven and whether those facts amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. In the event that the case continued any decision of the Secretary of State would also be in public. The panel considered that in the circumstances of this case where it was necessary to hear [REDACTED] information as part of the application to hear the evidence of Witness B by telephone, that the public interest would be satisfied by these public announcements. Those public announcements would ensure that public confidence in the proceedings and in the standards of the profession are maintained.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology and anonymised pupil list – pages 13 to 14

Section 2: Notice of proceedings and response – pages 16 to 21

Section 3: Teaching Regulation Agency witness statements – pages 49 to 92

Section 4: Teaching Regulation Agency documents – pages 94 to 302

Section 5: Teacher documents – pages 304 to 506

In addition, the panel agreed to accept the following:

Correspondence with Mrs Geary, relating to proceeding in absence – pages 507 to 543

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 panel heard oral evidence from the following witnesses, called by the presenting officer:

Witness A, [REDACTED] at Southlands School

Witness B, Pupil A's mother

## **Decision and reasons**

The panel announced its decision and reasons as follows:

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

Mrs Geary had been employed at Southlands School ("the School"), an independent special school and children's home, since April 2015 as an English teacher. On 13 March 2017, Mrs Geary was suspended from the School due to allegations relating to making inappropriate comments to staff and parents of pupils at the School, during her period of employment. The School commenced a disciplinary investigation. During her period of suspension, it was alleged that Pupil A was seen entering Mrs Geary's house. Mrs Geary subsequently resigned from her position.

## **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 failed to maintain professional boundaries in respect of Pupil A, by:**
  - a. Asking one or more members of staff to leave the room so that you could be alone with him;**

The panel had sight of interview notes from the School's disciplinary investigation into Mrs Geary's conduct. In one of the interview notes, it is recorded that a staff member was an invigilator who would invigilate exams undertaken by Pupil A. When Pupil A was starting to get anxious, Mrs Geary would ask the staff member to leave the room before she would talk to him and the staff member recalled this happening on about four occasions, with an incident report recorded for each occasion.

The panel also heard from Witness A that members of staff had reported to her that they had been sent away by Mrs Geary. Witness A stated that the sending away of staff had been discussed with Mrs Geary, particularly in relation to exams, and that her response was generally either that she could handle Pupil A and that other staff were surplus to requirements, or that their presence made him worse. The panel heard from Witness A and saw references in the bundle, that Mrs Geary was not a trained invigilator. In her written statement, Witness A had stated that “despite trained staff instructed to accompany her as detailed above, Mrs Geary was hostile to the idea of others being present and despite being clearly told the rules, she would often send additional staff away”.

The panel exercised caution given that a number of the interview notes were unsigned and that it had not had the opportunity to test the credibility of the evidence. However, the panel noted that several of the interview notes recorded that the support staff had been asked by Mrs Geary to leave the room, leaving Mrs Geary alone with Pupil A, during both exams and lessons. On the balance of probabilities, the panel considered that it was more likely than not that Mrs Geary had asked staff to leave the room so that she could be alone with Pupil A.

In the panel’s questioning, Witness A was asked whether there would be any circumstances in which asking another member of staff to leave the room would be reasonable. Witness A explained that, if a young person was highly distressed, it was good practice to reduce the number of adults, but with this distress, there is a risk and it would not be considered as safe behaviour to leave someone alone with a distressed pupil.

In her written submissions, Mrs Geary stated that her role involved one to one interventions with pupils. Mrs Geary explained that, on one particular occasion, as referred to in the interview notes taken during the School’s disciplinary investigation, Pupil A was undertaking a mock exam when he began to get agitated. The member of staff in question did not know Pupil A well and was frightened. Mrs Geary thought it best for the member of staff to leave, as Pupil A’s behaviour would worsen if he saw that people were frightened of him.

The panel accepted that there may be occurrences where one to one intervention was necessary. However, the panel considered the sending away of staff, so that Mrs Geary was alone with Pupil A, during exam conditions when she was not a trained invigilator was a failure to maintain professional boundaries.

The allegation was therefore, found proved.

**c. Contacting him and/or his mother via email on one or more occasions;**

The panel had sight of a screenshot of an email, taken by Pupil A’s mother, of Pupil A’s laptop. In oral evidence, Pupil A’s mother stated that she believed that Mrs Geary had

sent Pupil A this email. The sender of the email was 'Tom Jones' and Pupil A's mother stated that this screenshot was taken after Mrs Geary had been suspended from the school, during the Easter holidays. However, the panel noted that there was no date on the screenshot.

The email contained feedback on a writing piece, with a reference to assessment objectives, which was consistent with the sender being Mrs Geary. Pupil A's mother stated that Pupil A had since confirmed that Mrs Geary used the pseudonym 'Tom Jones'.

The panel was not presented with any other copies of emails sent to Pupil A by Mrs Geary, although heard from Pupil A's mother that Pupil A was in frequent email communication with Mrs Geary. However, Pupil A's mother had not seen these emails, other than being told by her husband that he had seen part an email to Mrs Geary on one occasion.

The panel considered that the email from 'Tom Jones' was sent to Pupil A by Mrs Geary. The email advised Pupil A to revise a creative writing piece, such as "maybe lead with the second...I observe the world...this is a better opening".

The panel considered that this amounted to a failure to maintain professional boundaries as the email was sent from a private email address rather than a school email address.

The panel had sight of a number of emails between Pupil A's mother and Mrs Geary. The panel considered whether contacting Pupil A's mother by email was a failure to maintain professional boundaries. The panel noted that it was expected that teacher's would contact parents on at least a weekly basis and provide an update as to a pupil's learning and behaviour that week.

The panel did not consider contacting Pupil A's mother by email to be a breach of professional boundaries. However, the panel noted that Mrs Geary had sent Pupil A's mother an email on 7 April 2017 stating that the purpose of the email was to "let you know how devastated I am at the way you have treated me". The panel considered this contact at a time when Mrs Geary was suspended from the School to be inappropriate and a failure to maintain professional boundaries.

The allegation was therefore, found proved.

**d. Allowing him into your home on one or more occasions, including on or around 7 April 2017.**

The panel had sight of a concern form dated 7 April 2017, completed by a staff member, which stated that another care staff member had rang to say that Pupil A had been seen running into Mrs Geary's house.

In oral evidence, Witness A explained that Pupil A had been followed on 7 April 2017, as staff had concerns as to his whereabouts as it was unusual for him to ask to leave the School on the final day of term when he would be packing to go home for the holidays. The panel also had sight of a statement signed by two staff members who had witnessed Pupil A head towards Mrs Geary's house. This statement explained that the staff members had observed Pupil A running down the road to Mrs Geary's house. Pupil A was seen entering Mrs Geary's garden, but was not seen entering Mrs Geary's house as sight was lost due to 'bushes'. The two staff members made contact with the School and were advised to observe the house, and subsequently to knock on the door. When they did so, no answer was received but Mrs Geary was later seen coming out of her home.

In oral evidence, Witness B explained how Pupil A had told her that he had entered Mrs Geary's house on 7 April 2017, and then climbed over her back garden fence. Witness B stated that Pupil A had a scar on his arm as a result of injuring himself when climbing the fence.

The panel was not provided with sufficient evidence that Pupil A had visited Mrs Geary's home on more than one occasion.

The panel did not consider it appropriate for a teacher to provide a pupil with their home address or to allow a pupil to enter their home. Mrs Geary did not report to the School that Pupil A had arrived at her home.

The panel noted, in written submissions, that Mrs Geary stated she had supplied her address earlier to Pupil A in 2017 to make arrangements for private tutoring following her leaving the School. However, the panel heard from Pupil A's mother that she had not made any private tutoring arrangements with Mrs Geary. The panel considered that this contact was, in any event, following Mrs Geary's suspension from the School. A condition of Mrs Geary's suspension was that she should not have contact with individuals in the School's care.

The allegation was therefore, found proved, in that Mrs Geary had allowed Pupil A to enter her home on 7 April 2017.

**2. Your conduct as may be found proven at allegation 1c and/or 1d amount to a failure to comply with the terms of your suspension issued on or around 13 March 2017.**

The panel had sight of a suspension letter sent from the headteacher of the School to Mrs Geary, dated 13 March 2017. The letter stated: "I would ask that, at this stage, you do not contact any of your work colleagues, individuals in our care, potential individuals to be cared for or parties connected to those individuals".

The panel found that Mrs Geary had contacted Pupil A and his mother by email during the period of her suspension, as well as allowed Pupil A into her home on 7 April 2017.

The panel considered this to be in direct contravention to the terms of Mrs Geary's suspension issued on 13 March 2017.

The allegation was therefore, found proved.

**3. You engaged in inappropriate and unprofessional behaviour on one or more occasions, by;**

**a. making negative and/or critical comments within e-mail correspondence sent to your colleagues and/or parents;**

The panel had sight of a number of emails sent from Mrs Geary to colleagues and parents, which made negative and critical comments.

For instance, in one email to the head of care at the School, Mrs Geary stated "I cannot believe your comments today and that you are in the position in this school that you are in".

In an email to the head of education and her line manager, Mrs Geary stated "I am quite appalled that you felt the need to pull me out of classroom and talk to me like a student" and "I really do think, if I can't be left to get on with a job, then I shouldn't be here". In another email to the head of education, Mrs Geary stated "I am very worried about the conversation the Head had with us today. She seems so out of touch with education" and that "the Head doesn't seem to understand the boys at all".

In an email to Pupil A's mother after her suspension, Mrs Geary stated that the headteacher and the head of education "had a lot to hide".

The allegation was therefore, found proved.

**b. making negative and/or critical comments about one or more of your colleagues in discussions with pupils and/or parents;**

The panel had sight of an email from Pupil A's mother to the School on 17 November 2016, in which she stated that Mrs Geary had contacted her "at senior managements' insistence, to apologise for 'upsetting me'" by sending her previous email and that she had "been severely admonished by senior management for doing so and believes that she will now be disciplined and that her job is at risk". The panel considered this to demonstrate that Mrs Geary had made negative comments in a discussion with Pupil A's mother.

The panel heard from Witness A and Pupil A's mother, as to how Pupil A's relationships with staff members had deteriorated whilst being taught by Mrs Geary, and how he would make negative comments about staff members, using phrases which he would not normally have used and that were reflective of comments made by Mrs Geary.

The panel also heard from Witness A as to comments that had been made by Mrs Geary regarding her own personal experience and qualifications. Another member of staff had told Witness A that Mrs Geary had told pupils that Witness A was “out to get her” and that she had no qualifications.

In oral evidence, Witness A explained that Mrs Geary would make negative comments about teaching assistants. The panel had sight of interview notes taken during the School’s disciplinary investigation. In one of these notes, a teaching assistant noted that during a class debate, a student had said that they could do with more teaching assistants in the room and that Mrs Geary disagreed, saying teaching assistants “don’t make a scratch on what a teacher does and that’s the important thing”.

[REDACTED]

The allegation was therefore, found proved.

**c. walking out of meetings on one or more occasions.**

In her oral evidence, Witness A stated that Mrs Geary would often walk out of meetings, including training, staff briefings each morning and strategy meetings.

In the interview notes taken during the School’s disciplinary investigation, a senior teacher stated that Mrs Geary had walked out of training sessions “without apology or explanation”.

The panel noted that, in her written submissions, Mrs Geary had stated that “for the better part of two years” she had participated in meetings, and felt miserable walking into a meeting and being greeted with hostile looks. She also stated that walking out of meetings was a habit of other teachers without censure and that she used to get “distressed if meetings overran” meaning that they were late back for their first lesson and explained the knock on impact that this had on pupils.

The panel questioned Witness A as to the nature of the meetings, when these were held and whether the meetings would overrun. Witness A stated that she could not say that the meetings all ran to time, but that Mrs Geary would leave the meetings on too frequent an occurrence for the reasons to relate to an overrunning meeting.

The panel considered the written and oral evidence, and found that there were a number of references from members of staff to Mrs Geary walking out on meetings on a number of occasions.

The allegation was therefore, found proved.

The panel found the following particulars of the allegation against you not proved, for these reasons:

## **b. Giving him chocolate and/or biscuits in exchange for following your instructions;**

The panel heard from Witness B that she found biscuits and biscuit wrappers in Pupil A's possession and that, when she questioned Pupil A as to where he had obtained these from, he had said that they were from Mrs Geary, as a "reward" for doing his work. Witness B explained that, [REDACTED], Pupil A was not someone who was able to cope going into a shop to buy something.

The panel also heard from Witness B that she had asked Mrs Geary not to reward Pupil A with confectionery, and that Mrs Geary had responded that she would have to find an alternative method of reward.

The panel heard from Witness A that most teachers had their own system for basic rewards, but generally the giving of food was discouraged to promote health and wellbeing, although was not prohibited. The panel had sight of the School's reward policy, and noted that it did not refer to using food as a method of reward.

The panel had sight of Mrs Geary's written submissions, which stated that other members of staff gave students biscuits and chocolate, and that she was not aware that she was not allowed to do this. Mrs Geary explained that she had devised a game for Pupil A, which helped encourage his writing, and a token of chocolate of his choice was offered for this.

The panel considered that Mrs Geary had given Pupil A biscuits and chocolate. However, the panel did not see sufficient evidence that chocolate or biscuits were given as a reward for following Mrs Geary's instructions, or that Mrs Geary only gave chocolates or biscuits to Pupil A. In the circumstances, the panel did not consider that the giving of chocolates and biscuits in itself amounted to a failure to maintain professional boundaries.

The allegation was therefore, not proven.

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

Having found a number of 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, which is referred to as "the Advice".

The panel was satisfied that the conduct of Mrs Geary, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mrs Geary 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

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 Mrs Geary, in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE").

The panel was satisfied that the conduct of Mrs Geary fell significantly short of the standard of behaviour expected of a teacher.

In relation to allegations 1a, 1c and 1d, the panel considered that, in asking to be left alone with Pupil A, making direct contact by email and allowing Pupil A into her home, Mrs Geary had failed to observe boundaries appropriate to a teacher's professional position and had not safeguarded Pupil A's wellbeing. The panel heard from Pupil A's mother as to the impact Mrs Geary's actions had on his mental wellbeing and relationships with other members of staff. Mrs Geary's actions were also in direct contravention of specific instructions given to Mrs Geary from the senior leadership team and, in relation to allegation 1c and 1d, were against the terms of her suspension letter, as found proven in allegation 2.

In relation to allegations 3a to 3c, the panel considered that, in general, negative comments made or leaving a meeting on one or two occasions, would be a low level concern and not amount to unacceptable professional conduct. However, the panel noted that these actions were repeated behaviours leading to an unacceptable pattern of behaviour, and as such amounted to unacceptable professional conduct.

The panel also considered whether Mrs Geary's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that none of these offences was relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

The panel noted that the allegation 1d took place outside the education setting. The panel considered this conduct to affect the way in which Mrs Geary fulfilled her teaching role as Mrs Geary was Pupil A's tutor and was suspended at the time of the incident. The panel noted that Pupil A was a vulnerable pupil and had gone missing for a number of hours after his visit to Mrs Geary's home, without knowledge as to his whereabouts.

Accordingly, the panel was satisfied that Mrs Geary was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils 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.

[REDACTED]

In written submissions, Mrs Geary also made reference to the bullying that she was subject to at the School and the lack of support from the School. However, the panel saw a number of supportive emails from Mrs Geary's line manager and considered the tone of the emails sent to Mrs Geary to be within the normal parameters of professional development and performance management.

In relation to its consideration as to whether Mrs Geary's conduct may bring the profession into disrepute, the panel also considered whether Mrs Geary's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that none of these offences was relevant.

The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to conduct that may bring the profession into disrepute.

The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute". The panel considered Mrs Geary's behaviour to show a consistent pattern of negative behaviours and in direct contravention of instructions issued by the School's senior leadership team.

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher.

The panel considered that Mrs Geary's conduct could potentially damage the public's perception of a teacher. The panel considered that the public's perception of a teacher

could be damaged in circumstances where a teacher had allowed a pupil into their home while on suspension and openly criticising colleagues to pupils and parents.

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

Having found the facts of particulars 1a, 1c, 1d, 2 and 3 proved, the panel further found that Mrs Geary'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 is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mrs Geary and whether a prohibition order is necessary and proportionate. 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, the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct. The panel also found the interest of retaining the teacher in the profession to be relevant.

In the light of the panel's findings against Mrs Geary, which involved failing to maintain professional boundaries in respect of Pupil A by asking members of staff to leave the room so that she could be alone with Pupil A, allowing Pupil A into her home on 7 April 2017, failing to comply with the terms of her suspension, making negative comments in email correspondence with colleagues and parents and making negative comments about colleagues in discussions with pupils and parents, there was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the failure to maintain professional boundaries and allowing Pupil A into her home.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Geary 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 Mrs Geary was outside that which could reasonably be tolerated.

The panel decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon her abilities as an educator and she is able to make a valuable contribution to the profession.

Whilst there is evidence that Mrs Geary had ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mrs Geary in the profession, since her behaviour fundamentally breached the standard of conduct expected of a teacher.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils, is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, 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;

- abuse of position of trust (particularly involving vulnerable pupils).

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher or whether there were mitigating circumstances.

There was no evidence that Mrs Geary's actions were not deliberate.

There was no evidence to suggest that Mrs Geary was acting under extreme duress. The panel noted that Mrs Geary stated that she was under duress at the School, but the panel saw no evidence that Mrs Geary was acting in response to a physical threat or significant intimidation. In her written submissions, Mrs Geary raised concerns as to intimidation and sexual harassment by some members of the School, but the panel saw no evidence as to this and did not consider these incidents to be relevant to the allegations found proven or to amount to extreme duress.

Mrs Geary did have a previously good history.

The panel saw no evidence that showed Mrs Geary was previously subject to disciplinary proceedings or warnings. However, the panel heard from Witness A that Mrs Geary had been instructed not to ask members of staff to leave the room so that she was alone with Pupil A.

The panel heard from Witness A that Mrs Geary was a good teacher and had sight of a reference response form from her previous employer. In this response form, a previous colleague commended her teaching abilities as an English teacher and that Mrs Geary was “the very best I’ve worked with in terms of commitment to the students and time and effort in producing superb resources for teaching”. However, the panel saw no other references from colleagues which attested to Mrs Geary’s abilities as a teacher.

In her written submissions, Mrs Geary had outlined her experiences at the School and her commitment to supporting the pupils at the School. However, the panel did not consider that Mrs Geary had expressed any insight or levels of remorse as to her actions. The panel noted that Mrs Geary’s written submissions did not reflect on the impact of her behaviour on Pupil A, parents or staff at the School. The panel also did not have any evidence as to actions Mrs Geary had taken to address her behaviour.

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 Mrs Geary 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 Mrs Geary. The lack of insight and remorse into her actions on the impact on Pupil A 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 cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. The panel found none of these cases to be relevant.

The panel considered that Mrs Geary did not have insight into her actions and considered that there was a risk that Mrs Geary would repeat her actions should she continue to teach. The panel considered that Mrs Geary would benefit from a period of reflection, time to undertake safeguarding training and to undertake any other personal development activities that Mrs Geary considers might assist her.

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 review period after two years.

## **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 some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, including 1, b. I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mrs Geary 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

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 Mrs Geary, involved breaches of the responsibilities and duties set out in statutory guidance Keeping children safe in education (KCSIE).

The panel finds that the conduct of Mrs Geary fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a finding of failing to maintain professional boundaries with 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 Mrs Geary, 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 safeguard pupils. The panel has observed, "in asking to be left alone with Pupil A, making direct contact by email and allowing Pupil A into her home, Mrs Geary had failed to observe boundaries appropriate to a teacher's professional position and had not safeguarded Pupil A's wellbeing." 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, "In her written submissions, Mrs Geary had outlined her experiences at the School and her commitment to supporting the pupils at the School. However, the panel did not consider that Mrs Geary had expressed any insight or levels of remorse as to her actions. The panel noted that Mrs Geary's written submissions did not reflect on the impact of her behaviour on Pupil A, parents or staff at the School. The panel also did not have any evidence as to actions Mrs Geary had taken to address her behaviour." In my judgement, the lack of insight and/or remorse 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 Mrs Geary were not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of failing to maintain professional boundaries 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 Mrs Geary herself and the panel comment “The panel heard from Witness A that Mrs Geary was a good teacher and had sight of a reference response form from her previous employer. In this response form, a previous colleague commended her teaching abilities as an English teacher and that Mrs Geary was “the very best I’ve worked with in terms of commitment to the students and time and effort in producing superb resources for teaching”. However, the panel saw no other references from colleagues which attested to Mrs Geary’s abilities as a teacher.”

A prohibition order would prevent Mrs Geary 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 or remorse. The panel has said, “Mrs Geary did not have insight into her actions and considered that there was a risk that Mrs Geary would repeat her actions should she continue to teach.”

I have also placed considerable weight on the finding of the panel “Whilst there is evidence that Mrs Geary had ability as an educator, the panel considered that the adverse public interest considerations above outweigh any interest in retaining Mrs Geary in the profession, since her behaviour fundamentally breached the standard of conduct expected of a teacher.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mrs Geary has made and is making 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 remorse or 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 considered that Mrs Geary would benefit from a period of reflection, time to undertake safeguarding training and to undertake any other personal development activities that Mrs Geary considers might assist her."

I agree with the panel and have decided that a two 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.

**This means that Mrs Jayne Geary 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 01 July 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, Mrs Geary remains prohibited from teaching indefinitely.

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

Mrs Geary 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**

**Date: 23 June 2022**

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