



Teaching
Regulation
Agency

Mr Adrian Clive Brett: Professional conduct panel outcome

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

May 2021

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

Teacher:	Mr Adrian Clive Brett
Teacher ref number:	9148489
Teacher date of birth:	14 March 1966
TRA reference:	18311
Date of determination:	19 May 2021
Former employer:	Corpusty Primary School, Norfolk

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened between 17 to 19 May 2021 by way of a virtual hearing, to consider the case of Mr Adrian Clive Brett.

The panel members were Mr Alex Osiatynski (teacher panellist – in the chair), Ms Shamaila Qureshi (lay panellist) and Mr Graham Ralph (lay panellist).

The legal adviser to the panel was Mrs Rebecca Utton of Birketts LLP solicitors.

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

Mr Brett was not present and was not represented.

The hearing took place by way of a virtual hearing in public, with parts heard in private, and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 11 March 2021.

It was alleged that Mr Brett was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at Corpusty Primary School:

1. On or around 7 December 2018, he engaged in inappropriate and/or unprofessional behaviour on one or more occasions towards Pupil Y by:
 - a. Pointing out to a class that Pupil Y had come last in a game causing embarrassment to Pupil Y;
 - b. Taking Pupil Y by the arm and/or elbow and applying pressure on one or more occasions.
2. In or around the 2016/17 and/or 2017/18 academic year he engaged in inappropriate and/or unprofessional behaviour on one or more occasions towards one or more pupils including;
 - a. With respect to Pupil Z by;
 - i. Taking Pupil Z to a classroom of children and asking those children how Pupil Z should be punished or making a comment to that effect;
 - ii. Taking Pupil Z into a classroom of children and asking those children whether Pupil Z had been 'nasty' and/or 'had done anything' to them or making a comment to that effect;
 - iii. On one or more occasions called Pupil Z an 'idiot' and/or a 'maniac'.
 - b. With respect to Pupil X by:
 - i. Reading a list of pupils' names out loud to a class of those pupils and indicating which of those pupils Pupil X liked and disliked;
 - ii. Asking Pupil X 'are you thick?' or making a comment to that effect.
 - c. With respect to Pupil W by;
 - i. Telling Pupil W he was 'causing a scene' and/or that he was a 'disgrace' or making a comment to that effect when Pupil W cried following injury;
 - ii. Asking Pupil W if he wanted to 'call his mummy' or making a comment to that effect when Pupil W cried following injury.

- d. With respect to one or more pupils by making one or more pupils stand on a chair and read out loud to a class of pupils despite knowing that these pupils struggled to read aloud.
3. Between 2009-2010 he engaged in inappropriate and/or unprofessional behaviour on one or more occasions towards Pupil U including by;
 - a. Telling Pupil U that he hated him or making a comment to that effect;
 - b. Throwing a pen at Pupil U which hit him on the back and/or body.
 4. His behaviour towards one or more pupils as may be found proven;
 - a. At 1 and/or 2 above was contrary to previous advice and/or guidance and/or warnings from his colleagues in relation to similar behaviour in or around April 2018;
 - b. At 2 above constituted bullying and/or intimidation.

Mr Brett, in the response to notice dated 05 April 2021, partially admitted the allegations.

Mr Brett made no admissions as to whether any of his conduct in respect of any of the allegations amounted to unacceptable professional conduct or conduct that may bring the profession into disrepute.

Preliminary applications

The panel considered an application from Mr Brett that the hearing proceeds in the absence of the teacher.

The panel heard submissions from the presenting officer on the application before reaching its decision. The presenting officer did not have an objection to the application.

The panel was satisfied in all the circumstances that the hearing proceeds in the teacher's absence.

The panel considered an application from Mr Brett that part of the hearing relating to Mr Brett's medical history - should be heard in private.

The panel heard submissions from the presenting officer on the application before reaching its decision. The presenting officer did not have an 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.

The panel also considered an application from the presenting officer to include a disputed document in the bundle.

The document is a witness statement of Witness Z [Redacted].

The panel heard representations from the presenting officer and considered written representations from the teacher's representative dated 4 May 2021, in respect of the application. The teacher's representative raised objections to the admission of the document.

The panel concluded that the document was relevant and would assist the panel in determining the issues before it. Accordingly, the document was added to the bundle, pages 164a-g.

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 – page 2

Section 2: Notice of Hearing and Response – pages 4 to 19

Section 3: Teaching Regulation Agency Witness Statements – pages 21 to 32

Section 4: Teaching Regulation Agency Documents – pages 33 to 164g

Section 5: Teacher Documents – pages 166 to 271

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

Witnesses

The TRA called the following witnesses to give oral evidence:

- 1) Witness N [Redacted];
- 2) Pupil U [Redacted];
- 3) Pupil Z [Redacted]; and
- 4) Pupil W [Redacted].

No summary of the evidence given is required as evidence that was material to the panel's decision should be captured in the reasons given for it (below).

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Brett was employed as a teacher at Corpusty Primary School from 17 January 1994.

Alleged inappropriate/unprofessional behaviour towards Pupil U took place between 2009 to 2010. In addition, alleged inappropriate/unprofessional behaviour towards one or more pupils including Pupil Z, Pupil Y and Pupil W took place in between 2016 to 2018.

A letter of advice and guidance was given to Mr Brett in April 2018.

On 7 December 2018, the alleged incident with Pupil Y took place during a PE lesson. An internal investigation took place between December 2018 and January 2019.

The School become aware of additional allegations, to that of the incident on 7 December 2018, on 16 January 2019.

Mr Brett was dismissed from the School, following an investigation, on 17 January 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. On or around 7 December 2018, you engaged in inappropriate and/or unprofessional behaviour on one or more occasions towards Pupil Y by:**
 - a. Pointing out to a class that Pupil Y had come last in a game causing embarrassment to Pupil Y;**
 - b. Taking Pupil Y by the arm and/or elbow and applying pressure on one or more occasions.**

The panel was satisfied, on examination of the documents before it which included written submissions from Mr Brett, that the facts of allegation 1 were proven.

Allegation 1.a

The panel considered documentary evidence from Pupil Y. The panel noted and accepted the reasons given for Pupil Y not giving oral evidence. The panel considered the contents of Pupil Y's documentary evidence to be an accurate reflection of events that took place on 7 December 2018. The panel noted that Pupil Y had given their

account of events on more than one occasion and that Pupil Y was consistent in their account each time it was relayed.

The panel noted that, in his statement, Mr Brett accepted that he had pointed out to Pupil Y that they had come last in the game and as a result needed to do star jumps. The panel was of the view that such an action by Mr Brett would not only have caused Pupil Y embarrassment but would have caused anyone in that situation to feel embarrassed.

Allegation 1.b.

The panel noted that Mr Brett accepted in his statement that he took Pupil Y by the elbow and applied pressure. The panel concluded that the level of pressure applied, even if minimal, was irrelevant. Any physical contact was not necessary or proportionate in the circumstances for pupil safety. The panel could see no good reason for Mr Brett to have touched Pupil Y at all. Mr Brett was present in an observer capacity. Given there was no risk to pupil safety or any break down in pupil behaviour Mr Brett's intervention was entirely unnecessary.

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

2. In or around the 2016/17 and/or 2017/18 academic year you engaged in inappropriate and/or unprofessional behaviour on one or more occasions towards one or more pupils including;

a. With respect to Pupil Z by;

- i. Taking Pupil Z to a classroom of children and asking those children how Pupil Z should be punished or making a comment to that effect;**
- ii. Taking Pupil Z into a classroom of children and asking those children whether Pupil Z had been 'nasty' and/or 'had done anything' to them or making a comment to that effect;**
- iii. On one or more occasions called Pupil Z an 'idiot' and/or a 'maniac'.**

b. With respect to Pupil X by:

- i. Reading a list of pupils' names out loud to a class of those pupils and indicating which of those pupils Pupil X liked and disliked;**

c. With respect to Pupil W by;

- i. Telling Pupil W he was 'causing a scene' and/or that he was a 'disgrace' or making a comment to that effect when Pupil W cried following injury;**

ii. Asking Pupil W if he wanted to 'call his mummy' or making a comment to that effect when Pupil W cried following injury.

The panel was satisfied, on examination of the documents before it which included written submissions from Mr Brett, and taking into account the oral evidence provided at the hearing, that the facts of allegations 2.a.i, 2.a.ii, 2.a.iii, 2.b.i, 2.c.i and 2.c.ii were proven.

Allegation 2.a.i.

The panel was satisfied from the oral evidence of Pupil Z, and evidence of other witnesses, that the allegation was proved. The panel noted that Mr Brett specified in his statement that he did not recall the details of this incident. The panel considered that the actions of Mr Brett displayed poor behaviour management and were inappropriate.

Allegation 2.a.ii.

The panel found Pupil Z's oral evidence to be very credible in respect of this allegation. Based on the account given by Pupil Z the panel found the allegation proved. The panel noted that Mr Brett detailed in his statement that he did not recall the details of this incident.

Allegation 2.a.iii.

Having considered the oral testimony of Pupil Z, together with other relevant evidence in the bundle of documents provided, the panel was satisfied that Mr Brett called Pupil Z an 'idiot'. The panel found that use of such a term was in line with other derogatory comments that the panel also found had been made by Mr Brett to pupils.

The panel was not however convinced that Mr Brett had called Pupil Z a 'maniac'. The panel noted that this incident was alleged to have occurred outside of school and that there was no corroborating evidence to Pupil Z's account. The panel therefore did not find this part of the allegation proved.

Allegation 2.b.ii

The panel noted that Mr Brett accepted he read out a list of names to the class. Mr Brett however disputed the circumstances alleged in relation to how he acquired the list and the reason as to why it was read out. The panel noted that Mr Brett asserted that he read the list as a means of seeking information however, the panel did not find this account to be credible.

The panel found the reason for reading the list out loud to be irrelevant and deemed that, irrespective of circumstance, it should not have been read out. The panel concluded that by reading the list Mr Brett acted in a highly inappropriate manner to investigate a matter that may have pastoral significance.

Allegation 2.c.i.

The panel heard from Pupil W and found Pupil W to be a credible and consistent witness. From the clear account provided by Pupil W the panel was content that the incident took place as described. The panel considered and noted the minor inconsistencies contained within the bundle of documents relating to this allegation; however, they concluded these did not have a bearing on the panel's decision as the panel had been able to test the live evidence of Pupil W.

Allegation 2.c.ii.

The panel heard and tested the live evidence of Pupil W and found Pupil W to be a credible and consistent witness. From the clear account provided by Pupil W the panel was satisfied that Mr Brett did ask Pupil W if he wanted to 'call his mummy' in a mocking, rather than caring way, when Pupil W cried following injury.

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

3. Between 2009-2010 you engaged in inappropriate and/or unprofessional behaviour on one or more occasions towards Pupil U including by;

- a. Telling Pupil U that you hated him or making a comment to that effect;**
- b. Throwing a pen at Pupil U which hit him on the back and/or body.**

The panel was satisfied, on examination of the documents before it which included written submissions from Mr Brett and taking into account the oral evidence provided at the hearing, that the facts of allegation 3 were proven.

Allegation 3.a.

In his statement Mr Brett admitted saying words to the effect of "*I hate boys who waste their time and don't get on with their work*". Mr Brett also accepted in his statement that "*I should not have said what I did*" and that it was "*inappropriate*". Based on the admission made by Mr Brett, the panel found this allegation proved.

Allegation 3.b.

Pupil U gave a detailed account of the incident in evidence. The panel considered Pupil U's evidence to be clear and very credible. The panel noted that in his statement Mr Brett accepted that he may have thrown the pen at Pupil U to gain his attention. Mr Brett further accepted that throwing the pen "*was wrong*" and he "*should not have thrown anything*". Taking into account both the evidence of Pupil U and the admission by Mr Brett the panel found the allegation proved.

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

4. Your behaviour towards one or more pupils as may be found proven;

a. At 1 and/or 2 above was contrary to previous advice and/or guidance and/or warnings from your colleagues in relation to similar behaviour in or around April 2018;

b. At 2 above constituted bullying and/or intimidation.

The panel was satisfied, on examination of the documents before it which included written submissions from Mr Brett and taking into account the oral evidence provided at the hearing, that the facts of allegation 4 were proven.

Allegation 4.a.

The panel's attention was drawn to the Letter of Advice and Guidance dated 30 April 2018 and the meeting that preceded that letter. In addition, the panel took into account the evidence given by Witness N that the purpose of the Letter of Advice and Guidance was to set out clear expectations for both Mr Brett and relevant pupils. The panel deemed the contents of the Letter of Advice and Guidance to be unequivocal. The panel noted that, following the Letter of Advice and Guidance being issued, the further incident involving Pupil Y occurred.

The panel found this allegation proven only in respect of allegation 1. The panel did not find the allegation proven in relation to allegation 2 on the basis that allegation 2 predated both the 30 April 2018 Letter of Advice and Guidance and prior meeting.

Allegation 4.b.

From the evidence presented, the panel found that Mr Brett's behaviour constituted bullying. The panel considered that Mr Brett pursued a course of inappropriate conduct over a period of time involving various pupils. The panel further noted that the perception of multiple pupils was that Mr Brett's behaviour amounted to bullying. The panel agreed with this interpretation. Examples of bullying behaviour the panel found proved were mocking, shouting, making sarcastic comments, demeaning, and ridiculing, especially in front of other pupils. The panel also found that Mr Brett exhibited behaviours whereby he had favourites and treated others less favourably.

In addition to bullying the panel found that Mr Brett's behaviour also constituted intimidation. The panel found multiple examples of intimidating behaviour from the evidence given by Pupils U, W and Z which included, but was not limited to, shouting at pupils, and getting close to their faces when doing so with the intention to belittle and intimidate.

The panel therefore found the facts of both limbs of allegation 4 proven.

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

2. In or around the 2016/17 and/or 2017/18 academic year you engaged in inappropriate and/or unprofessional behaviour on one or more occasions towards one or more pupils including;

b. With respect to Pupil X by:

ii. Asking Pupil X ‘are you thick?’ or making a comment to that effect.

d. With respect to one or more pupils by making one or more pupils stand on a chair and read out loud to a class of pupils despite knowing that these pupils struggled to read aloud.

Allegation 2.b.ii.

The panel considered the contents of Witness X’s statement. The panel noted that Mr Brett disputed that he used the word ‘thick’ in any context towards Pupil X. Whilst the panel did not suggest any lack of credibility on the part of Pupil X or Witness X, the panel could not rule out misinterpretation and, in the absence of any corroborating evidence, were not satisfied that the threshold of evidence required to find the allegation proved had been reached.

Allegation 2.d.

The panel noted inconsistencies in witness accounts. Due to those inconsistencies, the panel did not find the allegation that Mr Brett made one or more pupils stand on a chair and read out loud to a class proved.

The panel commented that although it felt there was insufficient evidence of Mr Brett making pupils stand on chairs to read, the panel did find strong evidence that pupils were required to stand up and read which caused some pupils distress. The panel were satisfied that the weight of evidence before them demonstrated that Mr Brett insisted upon pupils standing to read and that this approach was unlikely to be considered appropriate, necessary, or conducive for pupils who lacked confidence in their ability. The panel found this especially to be the case where pupils had expressed a reluctance to stand when reading out loud but had been made to do so under threat of punishment.

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 Mr Brett in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to both Parts 1 and 2, Mr Brett was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
- having regard for the need to safeguard pupils’ well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.
- Teachers must demonstrate consistently the positive attitudes, values and behaviours which are expected by pupils.
- Teachers must have high expectations of behaviour and establish a framework for discipline with a range of strategies, using praise, sanctions and rewards consistently and fairly.
- Teachers must manage classes effectively, using approaches which are appropriate to pupils’ needs in order to involve and motivate them.
- Teachers must maintain good relationships with pupils, exercise appropriate authority, and act decisively when necessary.

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

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

The panel noted that individually the behaviour displayed in any one of the allegations, or limbs of, whilst clearly inappropriate, may not amount to unacceptable professional conduct. The panel however found that the cumulative effect of the proven allegations

confirmed a pattern of behaviour that unequivocally constituted unacceptable professional conduct.

Accordingly, the panel were satisfied that Mr Brett 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 Mr Brett's status as a teacher, potentially damaging the public perception. In particular, the panel considered that parents rely on the teaching profession to care for the pastoral needs of their children as well as educational learning and that pupils should feel safe in school. The panel found that Mr Brett's behaviours clearly undermined that trust. The panel noted that numerous pupil witnesses highlighted that their ability to trust teachers was affected as a result of Mr Brett's conduct. Pupils recounted to the panel how they were affected after the events, and in one particular case, how Mr Brett's behaviour continued to affect them after a very significant amount of time.

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

Having found the facts of particulars 1 to 4 proved, the panel further found that Mr Brett's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings in respect of unacceptable professional conduct and conduct that may bring the profession into disrepute, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and having done so, found a number of them to be relevant in this case, namely the protection of pupils, the maintenance of public confidence in the profession, declaring and upholding proper standards of conduct.

In light of the panel's findings against Mr Brett which involved inappropriate and unprofessional behaviour amounting to bullying and intimidation of pupils, there was a strong public interest consideration in respect of the protection of pupils. The panel specifically noted that harm was caused to pupils and the proper standards of conduct were not adhered to. The panel further noted that the conduct of Mr Brett affected the education and wellbeing of pupils and Mr Brett's behaviour had a continuing impact upon at least one pupil. The panel considered that the bullying elements undermined both pupils and the profession.

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

The panel were 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 Mr Brett 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 Mr Brett.

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 Mr Brett. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils,
- a deep-seated attitude that leads to harmful behaviour;
- abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils;
- sustained or serious bullying, or other deliberate behaviour that undermines pupils, the profession, the school or colleagues;

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

The panel were not satisfied that there was any evidence that Mr Brett's actions were not deliberate. There was no evidence to suggest that Mr Brett was acting under duress.

The panel considered the following mitigating factors to be relevant:

- The panel noted the submissions made by Mr Brett in his witness statement regarding his health, both physical and mental, which were supported by evidence provided from his medical practice. Whilst the panel acknowledged Mr Brett's health issues, limited weight was attached to this evidence, given it had been found that Mr Brett's behaviour spanned a substantial period rather than being limited to an isolated incident. The panel commented that they would expect that someone of Mr Brett's professional standing and experience to seek appropriate help in such circumstances to try to ensure that it did not impact upon his treatment of pupils.
- The panel considered a number of letters and character statements in support of Mr Brett. In particular, the panel noted that there were some parents who spoke warmly of his support for their children together with colleagues who attested to his dedication to the school. The panel also recognised that Mr Brett made positive contributions to the school in a number of areas, taking into account the following:
 - Individual A [Redacted] *“ In my opinion....he is dedicated, hardworking and cares very much about Corpusty School.”*
 - Individual B [Redacted] *“Mr Brett shows dedication to the school by the amount of time and effort he puts into his teaching and into all other activities which benefit the school.”*
 - Individual C [Redacted] *“He organised many sporting events, the leavers do's, sports days, residential trips, the nativity at the church, the Easter and Halloween fairs and assemblies, always putting his entire time and energy in”*
 - Individual D [Redacted] *“he led many extra-curricular sporting activities, winning numerous trophies” “He regularly worked long hours, coming in at weekends and staying on in the evenings”*

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 were 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 Mr Brett of prohibition.

The panel were of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Brett. Mr Brett's lack of apparent insight, acceptance or remorse of his behaviours were 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 were 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 did not find that any of these applied to Mr Brett.

The panel considered that Mr Brett's actions were serious but considered that, with the appropriate demonstration of insight and contrition, there may be a time in the future that he would be able to once again contribute to the teaching profession.

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 2 year review period.

Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found 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, and/or found that some allegations do not amount to unacceptable

professional conduct or conduct likely to bring the profession into disrepute. I have therefore put those matters entirely from my mind.

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

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.
- Teachers must demonstrate consistently the positive attitudes, values and behaviours which are expected by pupils.
- Teachers must have high expectations of behaviour and establish a framework for discipline with a range of strategies, using praise, sanctions and rewards consistently and fairly.
- Teachers must manage classes effectively, using approaches which are appropriate to pupils' needs in order to involve and motivate them.
- Teachers must maintain good relationships with pupils, exercise appropriate authority, and act decisively when necessary.

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

The findings of misconduct are serious as they include a finding of inappropriate and unprofessional behaviour amounting to bullying and intimidation 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 Mr Brett, and the impact that will have on him, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children. The panel has observed, “harm was caused to pupils and the proper standards of conduct were not adhered to”. A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “Mr Brett made no admissions as to whether any of his conduct in respect of any of the allegations amounted to unacceptable professional conduct or conduct that may bring the profession into disrepute” The panel has also commented “Mr Brett’s lack of apparent insight, acceptance or remorse of his behaviours”. In my judgement, the lack of insight means that there is some risk of the repetition of this behaviour, and this puts pupils at risk. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “the conduct displayed would be likely to have a negative impact on Mr Brett’s status as a teacher, potentially damaging the public perception. In particular, the panel considered that parents rely on the teaching profession to care for the pastoral needs of their children as well as educational learning and that pupils should feel safe in school. The panel found that Mr Brett’s behaviours clearly undermined that trust.”

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of unacceptable professional conduct, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Brett himself and the panel comment “The panel considered a number of letters and character statements in support of Mr Brett. In particular, the panel noted that there were some parents who spoke

warmly of his support for their children together with colleagues who attested to his dedication to the school". A prohibition order would prevent Mr Brett from teaching. A prohibition order would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel's comments concerning the impact on pupils. The panel has said, "Mr Brett's behaviours clearly undermined that trust. The panel noted that numerous pupil witnesses highlighted that their ability to trust teachers was affected as a result of Mr Brett's conduct. Pupils recounted to the panel how they were affected after the events, and in one particular case, how Mr Brett's behaviour continued to affect them after a very significant amount of time".

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Brett 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 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 Mr Brett's actions were serious but considered that, with the appropriate demonstration of insight and contrition, there may be a time in the future that he would be able to once again contribute to the teaching profession".

I have decided that a 2 year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession.

This means that Mr Adrian Brett is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 03 June 2023, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Brett remains prohibited from teaching indefinitely.

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

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

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

Decision maker: Sarah Buxcey

Date: 28 May 2021

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