



Teaching  
Regulation  
Agency

# **Ms Carolyn Darnell: Professional conduct panel outcome**

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

**March 2022**

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

**Teacher:** Ms Carolyn Darnell  
**Teacher ref number:** 0632582  
**Teacher date of birth:** 1 July 1958  
**TRA reference:** 18474  
**Date of determination:** 9 March 2022  
**Former employer:** Aspire Recruitment

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 8 to 9 March 2022 by way of a virtual hearing, to consider the case of Ms Carolyn Darnell.

The panel members were Dr Martin Coles (former teacher panellist – in the chair), Ms Jo Palmer-Tweed (teacher panellist) and Mr Maurice McBride (lay panellist).

The legal adviser to the panel was Mr Robert Kellaway of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Andrew Cullen of Browne Jacobson LLP solicitors.

Ms Darnell was not present and was not represented.

The hearing took place by way of a virtual hearing in public and was recorded.

## Allegation

The panel considered the allegations set out in the notice of proceedings dated 29 November 2021.

It was alleged that Ms Darnell was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a Supply Teacher at Bilton School, Rugby, between 7 May and 15 May 2019 she, on or around 15 May 2019, used inappropriate and/or unreasonable force on Pupil A, by hitting her on the head.

Ms Darnell denied the allegation.

## Preliminary applications

The panel noted that since the date of the referral to the TRA in this case, new 'Teacher misconduct: Disciplinary procedures for the teaching profession' were published in May 2020 (the "May 2020 Procedures"). The panel understands that the earlier provisions contained within the 'Teacher misconduct: disciplinary procedures for the teaching profession' updated in April 2018 (the "April 2018 Procedures") apply to this case, given that those provisions applied when the referral was made.

Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

### Application to proceed in the absence of the teacher

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

The panel noted the legal advice provided in relation to this application and took account of the various factors referred to within it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *General Medical Council v Adeogba [2016] EWCA Civ 162*).

The panel was satisfied that the Notice of Proceedings dated 29 November 2021 had been sent to Ms Darnell at least eight weeks before today's hearing in accordance with the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession 2018 ('the Procedures').

The panel heard of the steps taken to send copies of the bundle to Ms Darnell, including hard copies of the bundle.

The panel concluded that Ms Darnell's absence was voluntary and that she was aware that the matter would proceed in her absence. The panel took into account that prior to the Notice of Proceedings Ms Darnell had previously stated that she was not going to attend the hearing. On 7 September 2021, she had emailed the TRA and stated, "*I will not be attending the virtual hearing*". On 12 November 2021, she had emailed the TRA and stated, "*Thank you for the offer but I will not be attending the tribunal*".

The panel noted that prior to the hearing, Ms Darnell had not sought an adjournment to the hearing. Further, the panel did not consider that an adjournment would procure her attendance at a hearing as the reasonable conclusion from her correspondence was that she did not want to attend the hearing.

There was no medical evidence before the panel that Ms Darnell was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witness (Pupil A) of any delay.

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

#### Application to allow additional witness and an additional document

The panel considered a preliminary application from the presenting officer for Pupil A's mother to give witness evidence at the hearing and for her witness statement to be admitted as an additional document.

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

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

In the Notice of Proceedings dated 29 November 2021, Pupil A's mother was not listed as a witness, only Pupil A. The panel noted that under paragraph 4.12, the Notice of Proceedings should identify the witnesses, if any, that the presenting officer proposes to call to give evidence at the hearing.

The panel heard from the presenting officer that at the time the Notice of Proceedings was sent it was not known if Pupil A's mother would provide a witness statement and therefore was not included.

The presenting officer explained to the panel that an unsigned copy of the witness statement of Pupil A's mother had been sent to Ms Darnell via a 'Mimecast' email on 8 February 2022.

On 18 February 2022, Ms Darnell wrote a letter to the TRA stating, *“I have been unable to open the instructions for Mimecast that you have sent me by email recently. I now feel disadvantaged in this process as I do not have all facts available to me.”* The presenting officer informed the panel that Ms Darnell was then called by the presenting officer’s firm on 21 February 2022 in an attempt to assist Ms Darnell in accessing the witness statement of Pupil A’s mother. Ms Darnell was still unable to access the unsigned witness statement following that call.

The presenting officer’s firm sent a copy of the signed witness statement on 1 March 2022. The panel had no documentary evidence presented to it that the witness statement of Pupil A’s mother had been sent to Ms Darnell in advance of the hearing. The panel was not satisfied on the evidence before it that Ms Darnell had received a copy of the witness statement of Pupil A’s mother in advance of the hearing. Further, even if the witness statement had been sent to Ms Darnell, the panel was concerned that this would have been only a few working days before the scheduled first day of the hearing being Monday 7 March 2022.

The panel heard that the witness statement of Pupil A’s mother related to events following the alleged incident on or around 15 May 2019. The panel considered that the witness evidence of Pupil A’s mother was potentially relevant. Although, it considered that Pupil A could be asked about incidents following the alleged misconduct.

In summary, the panel was not satisfied that it would be in the interests of a fair hearing for the witness evidence of Pupil A’s mother to be allowed in circumstances when there was serious doubt that Ms Darnell had been able to access the written witness statement in advance of the hearing. Further, if an accessible copy had been provided to Ms Darnell, the panel determined it would not have been provided in enough time in advance of the hearing to give Ms Darnell (who was unrepresented) a reasonable opportunity to review and provide a response to the witness statement.

In summary, the panel did not grant the preliminary applications for Pupil A’s mother to give witness evidence at the hearing or for her witness statement to be admitted as an additional document.

### Child witness

The presenting officer made an application that Pupil A, who is under the age of 18, be accompanied when giving evidence by a witness supporter (her mother). The application was that Pupil A’s mother would be on screen behind Pupil A whilst she was giving evidence.

The panel were referred to paragraph 4.71 of the Procedures which state that a panel will treat any person as a child where they are under the age of 18 at the start of the hearing. Further, paragraph 4.72 of the Procedures states that a panel may adopt such measures

it considers necessary to safeguard the interests of a child or vulnerable witness which may include the attendance of a witness supporter.

The panel granted this application. The panel considered that the measure would safeguard the interests of Pupil A and that there would be no unfairness to the teacher in allowing this to be the case. Further, the panel did not consider, and it was not asserted by Pupil A or the presenting officer, that the welfare of Pupil A would be prejudiced by her giving evidence at the hearing.

## **Summary of evidence**

### **Documents**

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

- Section 1: Chronology and anonymised pupil list – pages 1 to 2
- Section 2: Notice of hearing and response – pages 3 to 8
- Section 3: Teaching Regulation Agency witness statements – pages 9 to 10
- Section 4: Teaching Regulation Agency documents – pages 11 to 42
- Section 5: Teacher documents – pages 43 to 49
- Section 6: Correspondence between Browne Jacobson and Ms Darnell – pages 50 to 57.

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

### **Witnesses**

The panel heard oral evidence from Pupil A, called by the TRA. No other witnesses gave oral evidence at the hearing.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

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

Ms Darnell worked as a supply teacher for Bilton School ('the School') through a supply agency, Aspire Recruitment ('the Agency').

On or around 15 May 2019, it was alleged that Ms Darnell had hit Pupil A [REDACTED] on the head during a science lesson. The allegation was investigated and was subsequently referred to the TRA, by the Agency, on 13 June 2019.

## Findings of fact

The findings of fact are as follows:

The panel found the following particulars of the allegation against Ms Darnell proved, for these reasons:

### **1. On or around 15 May 2019, you used inappropriate and/or unreasonable force on Pupil A, by hitting her on the head.**

Pupil A provided evidence to the panel by way of her oral testimony at the hearing, her written witness statement and the written statement she provided to the School the day after the alleged incident.

In her contemporaneous written statement she provided as part of the School's investigation she had stated, *"I was in science and I was sat talking to [redacted] and I turn round to give me work to the teacher and I stude up and she slapped me round the head and all I did was stand up and give her my work [sic]."*

Pupil A's account of the alleged incident in her witness statement dated 18 February 2022 was consistent with her contemporaneous statement. In particular she had stated, *"I went to stand up and give her my work and as I turned around, she slapped me around the back of my head with her hand. She slapped me that hard my chin touched my chest. At the time, I was in shock, so I didn't think about doing anything. Other pupils were in the classroom and saw what happened"*.

The panel found Pupil A's account in her oral testimony at the hearing, whilst under oath, to be consistent with her previous written accounts. Pupil A was able to cogently describe to the panel how Ms Darnell had hit her, with her hand, around the back of her head (specifically in the middle). Pupil A explained and demonstrated to the panel how the hit, from behind, had caused Pupil A's head to go forward and downwards which resulted in her chin touching her chest. Pupil A's evidence in terms of the order of events was consistent with the documentary evidence within the bundle.

The panel found Pupil A to be a compelling, consistent and credible witness.

The panel reviewed the written statements of other pupils who had been asked to give their accounts of the alleged incident during the School's investigation. The panel noted that it had not had an opportunity to ask questions of these pupils as they had not been called to give evidence and therefore it gave less weight to the evidence of these pupils than that of Pupil A.



Whilst there were some inconsistencies between the written statements provided by Pupil B and Pupil C and that provided by Pupil A, the panel considered their statements corroborated the evidence of Pupil A on the point that Ms Darnell had hit Pupil A on the head during the lesson.

Pupil B had written, “*Yesterday During science Miss was Joking around with [Pupil A] and she hit [Pupil A] in the head as a Joke but she did it to hard and hurted Pupil A [sic]*”. Pupil C had written, “[Pupil A] was a bit loud and Mrs Darnell came over to tell her to quite down so she did and as Mrs Darnell turned to walk away she hit her on the back of the head but I am not sure if it was by accident or not [sic].” In her oral testimony, Pupil A was clear that she did not think Ms Darnell had been joking or it had been an accident.

Prior to the hearing, Ms Darnell had denied that she had hit Pupil A. The panel noted a letter from Ms Darnell to the TRA dated 18 February 2022, in which she stated that she “*playfully bonked her on the head with some paper. This is all I did. I absolutely did not slap, strike or hit her.*” The panel also noted a letter from Ms Darnell to the TRA’s investigator, dated 15 August 2019, in which she had stated the striking of Pupil A over the head “*was not the case*” and in her email to the TRA dated 12 November 2021 she had stated, “*I didn’t hit the girl*”.

Ms Darnell’s version of events in her most recent letter, that she had “*bonked*” Pupil A on the head with some paper was not corroborated in the written statement of Pupil B. Further, Pupil A gave compelling evidence that whilst Ms Darnell had papers in one hand she did not have papers in the hand with which she had hit Pupil A.

The panel gave greater weight to the evidence of Pupil A than Ms Darnell. Pupil A had given compelling and consistent evidence under oath at the hearing. Moreover, the panel had had the opportunity to test the evidence of Pupil A, and found her to be a credible witness, whilst it had not had the opportunity to test the evidence of Ms Darnell.

The panel determined that, on the balance of probabilities, Ms Darnell had hit Pupil A on the head with her hand during a lesson at the School on or around 15 May 2019.

The panel further considered whether Ms Darnell used inappropriate and/or unreasonable force in hitting Pupil A on the head.

On the evidence before it, the panel did not consider it had been appropriate or reasonable in the circumstances for Ms Darnell to have hit Pupil A on the back of the head. The panel determined there was no credible justification or reason for Ms Darnell to have hit Pupil A on the back of the head.

In reaching its decision, the panel considered the statutory provisions relating to the powers of members of staff to use force in school and determined that Ms Darnell’s actions in hitting Pupil A did not fall within that statutory framework. Further, the panel considered the guidance within the non-statutory advice ‘*Reasonable Force – advice for*

*headteachers, staff and governing bodies*’ but did not consider Ms Darnell’s actions fell within ‘reasonable force’ as outlined in that advice.

The oral testimony from Pupil A was that the hit had been so hard, to the back of Pupil A’s head, that it had caused her chin to touch her chest. The panel noted Pupil B had stated the hit had been “*to hard and hurted Pupil A [sic]*” which corroborated Pupil A’s evidence that the hit had been significant.

Pupil A’s evidence was that she suffered with a headache following the hit on or around 15 May 2019. Pupil A had visited her GP on 16 May 2019, complaining of a headache and pain at the back of her neck. Whilst the panel did not consider the GP’s report to be determinative, it viewed this as evidence which supported Pupil A’s account that the hit had been substantial and caused an injury.

On examination of the documents before the panel and on consideration of the oral evidence it heard, the panel was satisfied, on the balance of probabilities, that Ms Darnell had used both inappropriate and unreasonable force on Pupil A, by hitting her on the head on or around 15 May 2019.

The panel found the facts of this allegation proved.

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

Having found the facts of the allegation proved, the panel went on to consider whether the facts of the proved allegation 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 complained of, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Ms Darnell 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 an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel was satisfied that the conduct of Ms Darnell amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. Ms Darnell had hit a pupil with unreasonable and inappropriate force which was a serious matter.

Teachers are accorded a privileged position of trust and responsibility. It is an essential requirement of the teaching profession that teachers do not hit children who have been placed in their care. It is paramount that force against a child is only used in the defined circumstances where it is reasonable and in accordance with statutory provisions.

The panel noted that the incident had had an impact on Pupil A in that it appeared she had suffered an initial injury due to the hit and it was clear she had been upset by the incident. Furthermore, Pupil A also appeared to have been impacted in that she stated she *“didn't feel like she could trust teachers anymore”*.

The panel also considered whether Ms Darnell's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The panel found that the offence of violence was relevant. The Advice indicates that where such behaviours are found to be proved, a panel is likely to conclude those behaviours would amount to unacceptable professional conduct.

The panel was satisfied that Ms Darnell had committed an act 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 the individual's status as a teacher, potentially damaging the public perception.

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

In summary, having found the facts of the allegation proved, the panel further found that Ms Darnell's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

## Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

The panel was aware that prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; declaring and upholding proper standards of conduct; and ensuring that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In light of the panel's findings against Ms Darnell, which involved hitting Pupil A with unreasonable and inappropriate force, there was a public interest consideration in respect of the protection of pupils.

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

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Ms Darnell was outside that which could reasonably be tolerated.

The panel decided that there was not a substantial public interest consideration in retaining the teacher in the profession. The panel had no evidence that Ms Darnell had previous good history. Additionally there was no evidence before the panel, other than the written statements of Ms Darnell, that Ms Darnell had made (or would continue to make if a prohibition order was not imposed) a significant contribution to the teaching profession. Ms Darnell stated in her letter to the TRA dated 10 February 2020 that she had *"given up teaching and have no wish to return, after thirteen years of successful teaching"*.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Ms Darnell.

In carrying out the balancing exercise, the panel had regard to the public interest considerations as well as the interests of Ms Darnell. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- misconduct seriously affecting the education and/or well-being of pupils, and particularly where there is a continuing risk;
- abuse of position or trust (particularly involving pupils);
- failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE); and
- violating of the rights of pupils.

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

The panel concluded that Ms Darnell's actions in hitting Pupil A on or around 15 May 2019 had been deliberate. However, the panel did consider this to be a one off incident. It had not been proved that there had been any other incidents of unreasonable or inappropriate force by Ms Darnell.

There was no evidence to suggest that Ms Darnell was acting under extreme duress e.g. physical threat or significant intimidation to perform unlawful activities. Yet, the panel noted that Ms Darnell had stated that around the time of the incident her [REDACTED]. There was other evidence which referred to [REDACTED]. Further, Ms Darnell stated that she was now [REDACTED]. Whilst these circumstances did not excuse her actions, it appeared Ms Darnell had been [REDACTED] at the time of the alleged offences.

The only evidence submitted by Ms Darnell to attest to her previous good history as a teacher were her written statements in her correspondence to the TRA. The panel therefore could only give limited weight to this evidence which was not corroborated by

other evidence, such as character references speaking to Ms Darnell's history and abilities as a teacher.

For example, Ms Darnell stated that she had worked at a secure training centre for 3 years and had worked with *"some of the most vulnerable and damaged young people"* but the panel noted that she had not provided corroborating evidence to support this assertion or evidence to show she had been successful in that role. Consequently, the panel could only give minimal weight to this evidence as to Ms Darnell's previous history as a teacher.

The panel noted the Position of Trust meeting minutes dated 11 June 2019 in which a representative of a teaching agency had stated that, *"no concerns have been raised about [Ms Darnell]...[Mrs Darnell] has worked with them sporadically, since early 2015...none of the schools have ever raised any safeguarding concerns in relation to [Ms Darnell]."*

The panel determined that Ms Darnell had not shown any insight or remorse for her actions and there was no evidence that she had begun to develop insight into her actions.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

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

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Ms Darnell. Whilst the panel had found, on the evidence before it, that this was a one off incident, the panel did consider Ms Darnell's actions to have been very serious. She had hit a child in her care with unreasonable and inappropriate force and had displayed no insight into her actions.

Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, are likely to result in the public interest in prohibition having greater relevance, and weigh in the favour of not recommending a review period. The panel found that Ms Darnell was not responsible for any such behaviours.

The Advice also indicates that there are behaviours that, if proved, would mean the public interest in prohibition having greater relevance, and weigh in favour of a longer review period before a review is considered appropriate. The panel found that this was a case in which Ms Darnell's proven misconduct had involved violence. However, the panel considered the proven action against Ms Darnell, whilst serious in itself, was not one of serious violence and determined it had been a one off incident.

The panel decided that its 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 3 years. The panel considered such a review period was necessary to protect the public interest considerations present and that impact on the teacher was proportionate.

## **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 the allegation proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

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

In particular, the panel has found that Ms Darnell 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 an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Ms Darnell fell significantly short of the standards expected of the profession.

The findings of misconduct include a finding of hitting a pupil with inappropriate and unreasonable force.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Ms Darnell, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect pupils. The panel has observed, "In light of the panel's findings against Ms Darnell, which involved hitting Pupil A with unreasonable and inappropriate force, there was a public interest consideration in respect of the protection of pupils." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel determined that Ms Darnell had not shown any insight or remorse for her actions and there was no evidence that she had begun to develop insight into her actions." In my judgement, the lack of insight 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, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Ms Darnell was not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Ms Darnell was outside that which could reasonably be tolerated."



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 Ms Darnell herself and the panel comment “The only evidence submitted by Ms Darnell to attest to her previous good history as a teacher were her written statements in her correspondence to the TRA. The panel therefore could only give limited weight to this evidence which was not corroborated by other evidence, such as character references speaking to Ms Darnell’s history and abilities as a teacher.”

A prohibition order would prevent Ms Darnell 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 following comments from the panel, “Teachers are accorded a privileged position of trust and responsibility. It is an essential requirement of the teaching profession that teachers do not hit children who have been placed in their care. It is paramount that force against a child is only used in the defined circumstances where it is reasonable and in accordance with statutory provisions.”

I have also placed considerable weight on the finding “The panel noted that the incident had had an impact on Pupil A in that it appeared she had suffered an initial injury due to the hit and it was clear she had been upset by the incident. Furthermore, Pupil A also appeared to have been impacted in that she stated she *“didn’t feel like she could trust teachers anymore”*.”

I have given less weight in my consideration of sanction therefore, to the contribution that Ms Darnell 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 3 year review period.

I have considered the panel's comments "The panel decided that its 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 3 years. The panel considered such a review period was necessary to protect the public interest considerations present and that impact on the teacher was proportionate."

I have considered whether a 3 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. In this case, factors mean that a two-year review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the lack of either insight or remorse.

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

**This means that Ms Carolyn Darnell 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 17 March 2025, 3 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Ms Darnell remains prohibited from teaching indefinitely.

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

Ms Darnell 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: 10 March 2022**

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