



Teaching
Regulation
Agency

Dr Heather Erasmus: Professional conduct panel outcome

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

November 2022

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

Teacher: Dr Heather Erasmus
TRA reference: 18917
Date of determination: 22 November 2022
Former employer: Rye St Antony School, Pullen's Lane

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 21 to 22 November 2022 by way of a virtual hearing, to consider the case of Dr Heather Erasmus.

The panel members were Mr Paul Millett (lay panellist – in the chair), Mr Terry Hyde (former teacher panellist) and Ms Bernie Whittle (teacher panellist).

The legal adviser to the panel was Ms Samantha Cass of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Matilda Heselton of Browne Jacobson LLP solicitors.

Dr Erasmus was not present and was not represented.

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

Allegations

The panel considered the allegations set out in the notice of proceedings dated 24 August 2022. As set out below, the presenting officer made an application to amend one of the allegations. This amendment to the allegations was agreed by the panel following the submission of an application by the presenting officer at the start of the hearing. The amended allegations are as follows:

It was alleged that Dr Erasmus was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as an Assistant Housemistress and Teacher at Rye St Antony School ('the School'), she:

- 1) On or around the 27 September 2019, engaged in inappropriate physical contact with one or more pupils, including by:
 - a) pushing down on the neck and/or head of Pupil C;
 - b) Grabbing and/or pulling and/or pushing Pupil B's arm;
 - c) Making contact with Pupil D's head;
 - d) Hitting Pupil E on her neck and/or head
- 2) On or around the 27 September 2019, made inappropriate and/or offensive comments to one or more pupils during lessons, including the following comments, or comments to the effect of:
 - a) That all pupils at the School should be Catholic and/or those that are not Catholic should not be at the School;
 - b) That if an individual has a religious family but is not religious themselves it is very bad;
 - c) That it is better to feel God's presence when you are younger.
- 3) Her conduct as may be found proven at allegation 2 above demonstrated a lack of tolerance and/or respect for the rights and/or religious beliefs of others.

Dr Erasmus denied the allegations, as set out in a letter from her representative dated 9 November 2021.

Preliminary applications

There were five preliminary applications as set out below:

1. Application to proceed in the absence of the teacher

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

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

The panel was satisfied that the Notice of Proceedings had been sent to Dr Erasmus in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession April 2018 (the 'Procedures').

The panel concluded that Dr Erasmus' absence was voluntary and that she was aware that the matter would proceed in her absence.

The panel noted that Dr Erasmus had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure her attendance at a hearing. There was no medical evidence before the panel that Dr Erasmus 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 witnesses of any delay especially given the young witness who was in attendance to give evidence at the hearing. Further, Dr Erasmus had agreed through her legal representative that the hearing could proceed in her absence.

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 Dr Erasmus was neither present nor represented.

2. Application to admit additional documents

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

The documents were the following:

- An updated anonymised pupil list;
- Two emails between Dr Erasmus' legal representative and the presenting officer (dated 17 and 20 November 2022); and
- A witness statement from Dr Erasmus and supporting materials.

The documents subject to the application had not been served in accordance with the requirements of paragraph 4.20 of the Procedures. Therefore, the panel was required

to decide whether the documents should be admitted under paragraph 4.25 of the 2018 Procedures.

The panel heard oral representations from the presenting officer in respect of the application. Further, Dr Erasmus agreed via her legal representative to the additional documents being included in the bundle for the hearing.

The panel considered the additional documents were relevant and that no prejudice would be caused to either Dr Erasmus or the TRA should these documents be admitted. Accordingly, the panel considered it would be fair to admit the documents and the documents were added to the bundle.

3. Application for Special Measures

The panel considered an application for special measures to enable Pupil E to give her evidence by way of affording regular breaks and allowing her to have a witness supporter present during her evidence.

The panel heard oral submissions from the presenting officer on the application before reaching its decision. Dr Erasmus agreed via her legal representative to the provision of special measures for Pupil E.

The panel granted the application. The panel considered it was not contrary to the public interest for Pupil E to have the special measures in place in order to give evidence during the hearing.

4. Application regarding hearsay evidence

The panel considered the hearsay evidence in the bundle, in particular, the three witness statements of Pupil D, Pupil F and Emily Pitchford contained in Section 3 of the bundle, and also the typed record of pupil interviews from pages 46 to 48 of the bundle.

The panel considered that, as a result of their non-attendance, the witness statements of Pupil D, Pupil F and Emily Pitchford must be treated as hearsay evidence and that it was for the panel to consider whether these would be admissible and, if so, the weight which should be attached to the statements in its considerations.

In respect of the admissibility and weight to be attached to the witness statements of Pupil D and Pupil F, the presenting officer submitted that their statements were

corroborated by other witness evidence and had been provided in the course of the TRA's investigation. They could therefore be relied upon, in her submission.

The panel received legal advice in respect of hearsay, which referred to the cases of *Thorneycroft v Nursing and Midwifery Council* [2014] and *El Karout v Nursing and Midwifery Council* [2019].

The panel considered whether the witness statements of Pupil D and Pupil F and the typed record of pupil interviews should be admitted and, if so, the weight which should be attributed to the statements. The panel considered both the *Thorneycroft* principles and the reasons given as to why hearsay evidence had been found to be inadmissible in *El Karout*.

The panel felt that the hearsay evidence was relevant but were mindful that where the hearsay evidence is the "*sole and decisive evidence*" in relation to an allegation, the panel should be satisfied either that the evidence was demonstrably reliable, or alternatively that there will be some means of testing its reliability.

On the question of weight to be given to the hearsay evidence, the panel was mindful that none of the hearsay evidence could be tested by evidence in person.

The application had been notified to Dr Erasmus' legal representative in advance of the hearing and Dr Erasmus was content to leave the issue to the panel's discretion.

The panel considered that it was fair to admit the hearsay evidence albeit with consideration to be given to its weight during the findings. The panel therefore granted the application to admit the hearsay evidence.

5. Application to amend allegation 1) a)

As set out above, the panel considered the application from the presenting officer to amend allegation 1) a) so change the reference from Pupil A to Pupil C and to remove the wording "*with her hands*" at the end of the sentence.

The panel was satisfied that only minor changes were proposed to the allegation, namely an amendment to allegation 1) a). The panel did not consider that the allegation, as amended, was a new allegation. Dr Erasmus' legal representative had been informed of the intention to amend the allegation and this had not been contested.

The panel was advised that it had the power to amend the allegation in accordance with paragraph 4.56 of the Procedures. The panel was satisfied that the amendment did not change the nature, scope or seriousness of the allegation and that there was

no unfairness or prejudice caused by the amendment. Accordingly, the panel granted this application and considered the amended allegation, which is set out above.

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 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 Procedures in this case.

Summary of evidence

Documents

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

- Section 1: Anonymised pupil list – page 5
- Section 2: Notice of hearing and response – page 7 to 18
- Section 3: TRA witness statements – pages 20 to 29
- Section 4: TRA documents – pages 31 to 95
- Section 5: Teacher documents – pages 98 to 372

In addition, the panel agreed to accept the following:

- An updated anonymised pupil list;
- Two emails between Dr Erasmus' representative and the presenting officer (dated 17 and 20 November 2022) which were relevant to the applications set out above; and
- A witness statement from Dr Erasmus and supporting materials.

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

Witnesses

The panel heard oral evidence from Pupil E, a pupil at the School.

The panel was informed that Ms Emily Pitchford, Head of Art and Head of Years 7-9 at the School would not now be attending and/or be giving 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.

Dr Erasmus was employed as an assistant housemistress and teacher at the School from 29 August 2019 until she was dismissed on 14 October 2019.

Pupils had raised concerns that Dr Erasmus had pulled one girl down into her seat during a lesson and pushed the heads of other pupils down towards their desk. Pupils had also raised concerns about Dr Erasmus making comments they felt were disrespectful of their religious beliefs.

Following a referral to the LADO, Thames Valley Police investigated the case and spoke to the pupils and Dr Erasmus. Dr Erasmus was suspended during this investigation. The police did not take the case further as the parents of the pupils in question did not wish them to make formal statements.

The School completed its own investigation and found that the evidence from pupils indicated inappropriate conduct. Dr Erasmus was then dismissed.

In agreement with the LADO, the School referred the matter to the DBS and the TRA.

Findings of fact

Dr Erasmus denied all of the allegations against her.

The findings of fact are as follows:

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

- 1) On or around the 27 September 2019, engaged in inappropriate physical contact with one or more pupils, including by:**
 - a) pushing down on the neck and/or head of Pupil C;**
 - c) Making contact with Pupil D's head; and**
 - d) Hitting Pupil E on her neck and/or head.**

With regard to allegations 1) a), c) and d), the panel noted the statement of Dr Erasmus dated 13 January 2020, provided as part of the investigation stage.

With regard to allegation 1) a), the panel considered Pupil E's explanation in her oral evidence that she was sitting in a small sized class in a horseshoe shaped seating arrangement. She was in relatively close proximity to Pupil C and had a clear view of her. Pupil E stated that she saw Dr Erasmus grab Pupil C *"by her head, on her hair and near her scalp to push her head down at her book"*. In her oral evidence Pupil E demonstrated on her mother how Dr Erasmus had pushed Pupil C's head. This incident was corroborated by Pupil F in her witness statement.

With regard to allegation 1) c) the panel considered the evidence from Pupil D at page 23 of the bundle, which stated that *"[Dr Erasmus]...just pushed [her] head down sharply"*. Although Pupil D was not present to give oral evidence, the panel considered that the fact that the statement was accompanied by a statement of truth and there was no contradictory evidence was sufficient to find that allegation 1) c) was more likely than not to have occurred.

With regard to allegation 1) d) Pupil E's witness statement and oral evidence was that Dr Erasmus *"hit [her] on the back of the head"* and *"hit [her] between [her] neck and head"*. In her oral evidence Pupil E demonstrated on her mother how Dr Erasmus had hit Pupil E.

The panel found that, it was more likely than not that allegations 1) a), 1) c) and 1) d) had taken place. The panel considered that it was more likely than not that Pupil C and Pupil E had been subjected to physical contact on the neck and/or head although the panel believed that this was most likely a relatively light touch contact. The panel considered Pupil E to be a credible witness. Pupil E gave oral evidence about the pushing down on Pupil C's head and the contact with the back of her own neck and/or head by Dr Erasmus which the panel found to be consistent with her statement. The panel noted that Pupil E was not part of the group of pupils that had gone to report this to Emily Pitchford and Anna Mancari Rees on 27 September 2019 and felt that her evidence was that of her own experience and observation.

The panel found that Dr Erasmus' actions amounted to inappropriate physical contact.

Accordingly, the panel found allegations 1) a), 1) c) and 1) d) proven on the balance of probabilities.

For the reasons set out below, the panel did not find allegation 1) b) proven.

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

1) On or around the 27 September 2019, engaged in inappropriate physical contact with one or more pupils, including by:

b) Grabbing and/or pulling and/or pushing Pupil B's arm.

The panel considered allegation 1) b). The panel was mindful that Pupil B had not provided either a written statement or oral evidence. The panel also noted that in Pupil E's oral evidence she was unable to recall the incident referred to as allegation 1) b). The panel also considered the written statement of Dr Erasmus and the record of pupil interviews at page 46 of the bundle. The panel did not consider that the evidence against Dr Erasmus in relation to this allegation was enough to pass the threshold of more likely than not to have occurred. As such, the panel found allegation 1) b) not proven on the balance of probabilities.

2) On or around the 27 September 2019, made inappropriate and/or offensive comments to one or more pupils during lessons, including the following comments, or comments to the effect of:

- a) That all pupils at the School should be Catholic and/or those that are not Catholic should not be at the School;**
- b) That if an individual has a religious family but is not religious themselves it is very bad;**
- c) That it is better to feel God's presence when you are younger.**

The panel noted a statement of Dr Erasmus dated 13 January 2020, which had been provided as part of the investigation stage.

The panel found that the evidence before it for all of allegation 2, which included allegations of Dr Erasmus having made inappropriate and/or offensive comments to pupils regarding religion insufficient and/or too vague.

With regard to allegation 2) a) the panel considered page 47 of the bundle, in particular the interview record from Pupil G. This appeared to be the only reference to this particular allegation and, as this was not provided either in a witness statement or by way of oral evidence, the panel was unable to test or corroborate the hearsay evidence.

With regard to allegation 2) b) the panel considered page 46 of the bundle, in particular the interview record from Pupil B. This appeared to be the only reference to this particular allegation and, as this was not provided either in a witness statement or by way of oral evidence, the panel was unable to test or corroborate the hearsay evidence.

With regard to allegation 2) c) the panel considered page 46 of the bundle, in particular the interview record from Pupil A. This appeared to be the only reference to this particular allegation and, as this was not provided either in a witness statement or by way of oral evidence, the panel was unable to test or corroborate the hearsay evidence. The panel's view was that, notwithstanding the lack of evidence relating to this allegation, such a comment would not be deemed inappropriate or offensive in a discussion about religion in an RE class.

As such, the panel considered that allegations 2 were not proven on the balance of probabilities as there was insufficient evidence to meet the requisite threshold.

The panel found allegations 2(a), 2(b) and 2(c) not proven.

3) Your conduct as may be found proven at allegation 2 above demonstrated a lack of tolerance and/or respect for the rights and/or religious beliefs of others.

The panel found that allegation 3 was not relevant because allegations 2 in their entirety were 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, namely allegations 1 a), c) and d), 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 Dr Erasmus, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Dr Erasmus was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel members used their knowledge, skills and experience to take into account how the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils, and the influence that teachers may

have on pupils, parents and others in the community. The panel took account of the uniquely influential role that teachers can hold in pupils' lives and that pupils must be able to view teachers as role models in the way they behave.

The panel was satisfied that the conduct of Dr Erasmus, which included inappropriate physical contact, amounted to misconduct of a serious nature and fell short of the standards expected of the profession. However, to meet a standard of unacceptable professional conduct, the panel had to be satisfied that the falling short of the expected standard of behaviour had to be significant. The panel found that there were only three instances in the allegations of inappropriate physical contact each of which amounted to, the panel considered, a light or relatively light touch to the pupil. It also found that none of the pupils were physically harmed by the experience. For these reasons, the panel did not find the falling short of the behavioural standards to be significant for the purposes of the definition of unacceptable professional conduct. Unacceptable professional conduct was therefore found not proven.

The panel then went on to consider whether the allegations found proven against Dr Erasmus was conduct that may bring the profession into disrepute. The panel found that the misconduct of Dr Erasmus was serious, and the panel considered that the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception of the teaching profession. The panel considered that Dr Erasmus' conduct was enough to potentially damage the public's perception of a teacher but did not find that the conduct met the definition of unacceptable professional conduct because it did not fall significantly short of the standard of behaviour expected of a teacher. The allegation that Dr Erasmus' conduct may bring the profession into disrepute was therefore found proven but the panel did not find that Dr Erasmus' conduct amounted to unacceptable professional conduct.

Panel's recommendation to the Secretary of State

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

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

The panel were aware that prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have 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 that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Dr Erasmus which involved inappropriate physical contact with pupils which amounted to behaviour which may bring the profession into disrepute, the panel considered whether there was a strong public interest consideration in respect of the protection of pupils. In considering this, the panel found that Dr Erasmus was unlikely to pose a continuing risk to pupils. Further, the panel considered that, although Dr Erasmus had made inappropriate physical contact with more than one pupil, she had not intended to cause any physical harm in doing so.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Dr Erasmus was not treated with the utmost seriousness when regulating the conduct of the profession. However, the panel referred again to the fact that they had found Dr Erasmus' behaviour to be at the lower end of the scale of seriousness.

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 Dr Erasmus was outside that which could reasonably be tolerated. However, the panel concluded that Dr Erasmus could have received a more extensive induction into the School policies and ethos and generally more support and training at the outset of her relationship with the School especially as she was new to the area and to teaching in this country at the time.

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

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 Dr Erasmus.

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 the teacher. 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); and
- violation of the rights of pupils.

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

There was no evidence that Dr Erasmus' actions were not deliberate although the panel found that there was no deliberate intention by Dr Erasmus to cause harm.

There was no evidence to suggest that Dr Erasmus was acting under extreme duress.

Some evidence was submitted at the hearing to attest to Dr Erasmus' previous history or ability as a teacher in South Africa along with various character references. The panel considered that Dr Erasmus was an extremely experienced teacher who had clearly contributed significantly to the education sector in South Africa.

On the basis that Dr Erasmus denied all of the allegations against her, the panel was unable to assess Dr Erasmus' insight or remorse into the specific allegations. However, the panel did note that Dr Erasmus had, in her written statement, shown insight into what was and was not acceptable behaviour for a teacher. Further, Dr Erasmus had also apologised in her written statement for any upset that she may have caused and for any of her teaching styles which may have been misconstrued.

The panel considered whether, based on the above, 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, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case. The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

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 sanction.

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 conduct that may bring the profession into disrepute, but the panel did not find that Dr Erasmus' conduct amounted to unacceptable professional conduct. In this case, the panel has found some of the allegations not proven. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Dr Erasmus should not be the subject of a prohibition order. The panel has recommended that the findings of conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Dr Erasmus is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach...
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The panel finds that the conduct of Dr Erasmus fell significantly short of the standards expected of the profession.

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

In this case, I have considered the extent to which a prohibition order would protect pupils. The panel has observed, "In the light of the panel's findings against Dr Erasmus which involved inappropriate physical contact with pupils which amounted to behaviour which may bring the profession into disrepute, the panel considered whether there was a strong public interest consideration in respect of the protection of pupils. In considering this, the panel found that Dr Erasmus was unlikely to pose a continuing risk to pupils. Further, the panel considered that, although Dr Erasmus had made inappropriate physical contact with more than one pupil, she had not intended to cause any physical harm in doing so."

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "On the basis that Dr Erasmus denied all of the allegations against her, the panel was unable to assess Dr Erasmus' insight or remorse into the specific allegations. However, the panel did note that Dr Erasmus had, in her written statement, shown insight into what was and was not acceptable behaviour for a teacher. Further, Dr Erasmus had also apologised in her written statement for any upset that she may have caused and for any of her teaching styles which may have been misconstrued." I have therefore given this element 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 Dr Erasmus was not treated with the utmost seriousness when regulating the conduct of the profession. However, the panel referred again to the fact that they had found Dr Erasmus' behaviour to be at the lower end of the scale of seriousness."

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 Dr Erasmus herself and the panel comment “Some evidence was submitted at the hearing to attest to Dr Erasmus’ previous history or ability as a teacher in South Africa along with various character references. The panel considered that Dr Erasmus was an extremely experienced teacher who had clearly contributed significantly to the education sector in South Africa.”

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

In this case, I have placed considerable weight on the panel’s comments, “The panel 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 Dr Erasmus was outside that which could reasonably be tolerated. However, the panel concluded that Dr Erasmus could have received a more extensive induction into the School policies and ethos and generally more support and training at the outset of her relationship with the School especially as she was new to the area and to teaching in this country at the time.”

I have given considerable weight in my consideration of sanction to the contribution that Dr Erasmus has made to the profession and the panel said “there was a strong public interest consideration in retaining the teacher with experience in the profession, since no doubt had been cast upon her abilities as an educator and she is able to continue to make a valuable contribution to the profession.”

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink, appearing to read 'SABuxcey', with a horizontal line extending to the left of the first letter.

Decision maker: Sarah Buxcey

Date: 25 November 2022

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