



Teaching  
Regulation  
Agency

# **Mr Christopher Green: Professional conduct panel outcome**

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

**March 2023**

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

**Teacher:** Mr Christopher Green

**Teacher ref number:** 1250913

**Teacher date of birth:** 18 March 1990

**TRA reference:** 18791

**Date of determination:** 2 March 2023

**Former employer:** Seascope Primary School

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened between 28 February and 2 March 2023 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Christopher Green.

The panel members were Mr Paul Millett (lay panellist – in the chair), Mrs Melissa West (teacher panellist) and Mr Paul Hawkins (lay panellist).

The legal adviser to the panel was Mr Tom Walker of Blake Morgan LLP.

The presenting officer for the TRA was Mr James Lloyd (counsel).

Mr Christopher Green was present and represented by Mr Richard Matkin.

The hearing took place in public and was recorded.

## **Allegations**

The panel considered the allegations set out in the notice of proceedings dated 16 November 2022.

It was alleged that Mr Green was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst a teacher at Seascap Primary School ("the School"):

1. On 6 November 2018, he inappropriately held the wrist of Pupil B;
2. On 7 November 2018, he inappropriately held the wrist of Pupil C;
3. On 12 November 2018, he inappropriately grabbed and/or held the wrist of Pupil E;
4. By his conduct set out above he failed to act within the statutory frameworks setting out a teacher's professional duties and responsibilities.

Mr Green provided a statement of agreed facts which set out a factual context to the allegations which he admitted. However, Mr Green did not accept the allegations and the allegations were taken as not admitted.

## **Preliminary applications**

The presenting officer made an application to amend Allegation 4 set out in the notice of hearing to add words which had been erroneously omitted from the notice. Mr Green did not oppose this amendment. The correct wording of the allegation had been made clear to Mr Green in other documents (including a statement of agreed facts) and thus the panel took the view that there was no unfairness to Mr Green and it was in the interests of justice in accordance with Rules 5.82-83 to allow the amendment.

## **Summary of evidence**

Mr Green was employed by the School from 1 January 2018 and appointed as a full time teacher in Enhanced Mainstream Provision ("EMP") on 16 April 2018. Mr Green was, inter alia, responsible for planning and delivering lessons, and assessing the progress of pupils.

Mr Green had received training in the 'Team Teach' restraint procedures in place at the School. These procedures set out guidance on the circumstances in which physical diversion and/or restraint could be used, and, if appropriate, how it should be used. Mr Green's training was current and he was familiar with all relevant procedures and policies in place at the School.

It is alleged that Mr Green failed to follow the correct procedures in place at the School concerning physical intervention and restraint of pupils. In particular, it is alleged that, on three occasions, between 6 and 12 November 2018, Mr Green used inappropriate restraint in respect of three different pupils.

## **Documents**

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

Section 1: Chronology and anonymised pupil list – pages 4 to 5

Section 2: Notice of proceedings and response – pages 6 to 19

Section 3: Teaching Regulation Agency witness statements – pages 20 to 47

Section 4: Teaching Regulation Agency documents – pages 48 to 219

Section 5: Teacher documents – pages 220 to 233

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 Witness A ([REDACTED]); and Witness B ([REDACTED]) who were called by the presenting officer. Mr Green also gave evidence.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

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

As noted above, it is alleged that, on three occasions, between 6 and 12 November 2018, Mr Green used inappropriate restraint in respect of three different pupils.

Witness A gave oral evidence in relation to allegation 1; whilst Witness B gave oral evidence in relation to allegations 2 and 3. Mr Green accepted that the incidents giving rise to allegations 1 and 3 had taken place, but submitted that such intervention was not inappropriate and complied with procedures. Mr Green had no recollection of any incident giving rise to allegation 2 and submitted that he did not believe that he would have acted as described by Witness B.

The panel noted that on 29 October 2018, Mr Green had received management advice in relation to the use of Restrictive Physical Intervention ("RPI") and had been reminded of the principle that two people should be present during such interventions save in

exceptional circumstances. However, there had been no disciplinary finding in relation to Mr Green. The panel however regarded this as having little relevance to the overall context of the case and of no relevance in regard to the specific determination of the allegations. The panel focused on the direct and primary evidence in relation to each allegation.

## **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:

**You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst a teacher at Seascope Primary School ("the School"):**

### **1. On 6 November 2018, you inappropriately held the wrist of Pupil B;**

The panel heard evidence from Witness A in relation to this allegation. Witness A was not present at the beginning of the intervention and was not aware of the full context of the behaviour of Pupil B. However, Witness A stated that Mr Green held Pupil B in the wrist or forearm area if not on the actual wrist bone joint area. Witness A expressed concern about this intervention because she did not believe it to be justified.

As noted above, Mr Green accepted that he held Pupil B, but stated that this was on the forearm as opposed to the wrist itself and that this contact was not inappropriate. Mr Green described his act as a physical diversion using an open handed hold known as a "caring C" which then developed into a more restrictive physical intervention for a few seconds to prevent Pupil B from falling backwards into a fence.

Conversely, Witness A stated that there was no risk of Pupil B falling over on to a fence, and the pupil was being held in such a manner that they could not remove themselves from the situation and were thus restrained and in some distress. Witness A did first refer to this incident as contact on Pupil B's hand. However, in subsequent accounts and in evidence to the panel, Witness A referred to the wrist or forearm. Witness A acknowledged this discrepancy but did not regard the distinction as significant because in her view the intervention itself was inappropriate.

The panel regarded the account given by Witness A as clear and credible, and accepted her evidence that Mr Green had held the wrist or forearm of Pupil B. Mr Green himself stated that the hold was below the wrist area as opposed to on the wrist joint itself. The panel accepted this. The panel was of the view that reference to the forearm or wrist area, encompasses reference to the wrist given the relative size of a [REDACTED]. It has

approached the allegation in this way and was satisfied that Mr Green held Pupil B's wrist or forearm area, and thus his wrist.

Witness A was an experienced practitioner who expressed her view vividly that the intervention was unnecessary. Witness A stated that she intervened herself and asked Mr Green to release Pupil B, which he did. Whilst Mr Green himself gave a clear account of the events, the panel preferred the evidence of Witness A that the intervention in nature and form was inappropriate and there was no justification to maintain the hold for any safety reason.

The panel was satisfied on the balance of probabilities that this allegation was found proved.

**3. On 12 November 2018, you inappropriately grabbed and/or held the wrist of Pupil E;**

The panel heard evidence from Witness B in relation to this allegation. Witness B stated that she saw Mr Green grabbing Pupil E in a sudden manner and holding on to his forearm or wrist area. The initial statements given were very detailed, and the oral evidence of Witness B was, notwithstanding the passage of time, similarly detailed and clear.

Mr Green stated that he used an open handed 'caring C' due to Pupil E being in a distressed and aroused state, and his intervention was not an RPI. Witness B described Pupil E as being unable to get away from the interaction and the panel preferred this evidence to that of Mr Green.

It follows from this that Mr Green cannot have been using only an open handed hold. Such an intervention, involving a hold to the wrist area (or forearm, which the panel again took to include reference to the wrist) in this scenario would only have been to secure the compliance of Pupil E with a teaching instruction from Mr Green to speak to Witness B.

The School policies confirm that restraint, as the panel found was used here, to simply secure compliance with an instruction in these circumstances, is inappropriate per se. In consequence, the panel found that Mr Green held on to the wrist area of Pupil E without sufficient justification and this restrictive intervention was itself inappropriate.

The panel was satisfied on the balance of probabilities that this allegation was found proved.

**4. By your conduct set out above you failed to act within the statutory frameworks setting out a teacher's professional duties and responsibilities.**

The panel considered the conduct found proved under allegations 1 and 3 alone at this point. The panel found that the conduct found proved, separately, was inappropriate and involved departure from established School policies regarding restraint.

The Teachers' Standards form part of the statutory framework setting out a teacher's professional duties and responsibilities. The Standards state that:

"Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach ..."

The panel was satisfied that Mr Green had not had proper regard to the School policies regarding restraint as per the guidance in the Teachers' Standards and thus found this allegation proved on the balance of probabilities.

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

## **2. On 7 November 2018, you inappropriately held the wrist of Pupil C;**

The panel heard evidence from Witness B in relation to this allegation. Witness B stated that she saw Mr Green holding Pupil C in a firm and forceful manner and had concerns about the appropriateness of this intervention, particularly given the demeanour of Pupil C and their history and character.

Mr Green stated that he had no recollection of the incident but added that any such incident would not have taken place as described. Mr Green stated that he would not have been alone at the time described (which was during lunch club). There was no other contemporaneous evidence to support the allegation.

The panel noted that Witness B was not trained in the 'Team Teach' restraint procedures in place at the School, but she had some experience of seeing restraint being used. The evidence of Witness B was credible and clear. The panel was satisfied that she witnessed Mr Green's use of restraint; that its manner caused her concern; and that she thought it was inappropriate. The panel was satisfied that Witness B did witness Mr Green holding Pupil C on the wrist or forearm area.

However, when considering the appropriateness or otherwise of the hold, the panel had particular regard to the initial account given by Witness B. This was made several days after the incident and it made clear that Witness B had not witnessed the full interaction between Mr Green and Pupil C, and thus she would not necessarily have been able to form a full view of the context of any restraint. Similarly, this first statement was not clear about the form of restraint and nor was it detailed or emphatic about why any restraint was inappropriate. Subsequent statements did develop this theme, but such re-iterations did not persuade the panel that it could be satisfied that the latter accounts were to be preferred.

The panel took the view that, notwithstanding the credibility of Witness B, it was not able to determine this allegation to the appropriate standard. It was not able to determine whether the hold was inappropriate, and thus found this allegation not proved.

### **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 Green, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Green 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 was satisfied that the conduct of Mr Green, which concerned the inappropriate restraint of a child as per allegations 1 and 3, amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession, and thus amounted to unacceptable professional conduct. The actions of Mr Green involved a departure from the relevant standards and statutory frameworks and the panel thus also found that allegation 4 amounted to 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 panel took the view that the actions of Mr Green, for the reasons set out above, would negatively impact the public perception of teachers. The panel therefore found that Mr Green's actions at allegation 1, 3 and 4 constituted conduct that may bring the profession into disrepute.

Having found the facts of allegations 1, 3 and 4 proved, the panel found that Mr Green'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/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;
- the interest of retaining the teacher in the profession.

In the light of the panel's findings against Mr Green, which involved inappropriate use of restraint on two occasions, there was a strong public interest consideration in respect of each of the public interest features outlined above.

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

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Green 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 Green.

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 Green.

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;
- failing in the duty of care towards a child;
- violation of the rights of pupils.

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

In light of the panel's findings, the panel took the view that the actions of Mr Green did not involve any deliberate intention to cause harm, and also noted that there was no evidence of any injury or actual harm resulting from his actions. The panel also noted that Mr Green was of good character and had a good teaching record.

There is though no evidence that Mr Green was acting under duress. Conversely, Mr Green had, shortly before the incidents giving rise to the allegations, received a management advice letter reminding him to follow the relevant procedures and practices regarding restraint. The panel also noted that the management advice letter did refer to there being some evidence that Mr Green had followed procedures appropriately. The panel did not have any evidence about any prior confirmed incidents of inappropriate restraint and did not proceed on this basis that there were any. However, the panel took the view that the two allegations found proved against Mr Green needed to be considered in the context of the content of the management advice letter, and that Mr Green had had an opportunity to reflect on the use of restraint prior to these events.

The panel noted that Mr Green had substantial character references, many of which referred to Mr Green's positive conduct in a professional setting. The references also support Mr Green's integrity, and referred to there being no concerns about his conduct.

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 Mr Green 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 Mr Green. Mr Green was an experienced teacher who was familiar with the restraint processes and procedures at the School. Prior to the incidents he had an opportunity to remedy any shortfalls in his practice and ensure that he followed such procedures effectively. Mr Green failed to do so on two occasions, and in doing so created a risk of harm to pupils, although the panel would underline that there was no evidence that such harm occurred. The panel noted that the actions were short in duration, and at the lower end of the spectrum of severity, but nevertheless the breach of standards was clear and obvious and could and should have been avoided.

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

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

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. However, the panel took the view that none of these applied.

Mr Green is an experienced teacher. In the course of the proceedings he was able to demonstrate some insight into his actions and to reflect upon alternative courses of action he could have taken. Given this, the panel is confident that this is a case where a review period would be appropriate should Mr Green wish to apply to have the prohibition order reviewed. Given the circumstances of this case, the panel takes the view that this should be the shortest available period.

The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period after 2 years.

## **Decision and reasons on behalf of the Secretary of State**

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

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

In this case, the panel has found a number 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 allegation 2 not proven, I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mr Green 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 Mr Green fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include findings of inappropriate restraint of a child on two occasions.

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 Green, 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 children/safeguard pupils. The panel has observed, "Prior to the incidents he (Mr Green) had an opportunity to remedy any shortfalls in his practice and ensure that he followed such procedures effectively. Mr Green failed to do so on two occasions, and in doing so created a risk of harm to pupils, although the panel would underline that there was no evidence that such harm occurred. The panel noted that the actions were short in duration, and at the lower end of the spectrum of severity, but nevertheless the breach of standards was clear and obvious and could and should have been avoided." 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 Green is an experienced teacher. In the course of the proceedings he was able to demonstrate some insight into his actions and to reflect upon alternative courses of action he could have taken. Given this, the panel is confident that this is a case where a review period would be appropriate should Mr Green wish to apply to have the prohibition order reviewed. Given the circumstances of this case, the panel takes the view that this should be the shortest available period."

In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of pupils'. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Green were not treated with the utmost seriousness when regulating the conduct of the profession."

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to

consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

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

I have also considered the impact of a prohibition order on Mr Green himself, “The panel noted that Mr Green had substantial character references, many of which referred to Mr Green's positive conduct in a professional setting. The references also support Mr Green's integrity, and referred to there being no concerns about his conduct.”

A prohibition order would prevent Mr Green from teaching and clearly deprive the public of his contribution to the profession for the period that it is in force. I have however given less weight in my consideration of sanction, to the contribution that Mr Green has made to the profession given the nature of the findings. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended a two year review period. I have considered the panel's comments “The panel noted that the actions were short in duration, and at the lower end of the spectrum of severity, but nevertheless the breach of standards was clear and obvious and could and should have been avoided.”

I have considered whether a longer review period or not allowing a review period reflects the seriousness of the findings and is proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that allowing a two year review period is sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the partial insight shown and the severity of the findings being at the lower end of the spectrum.

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

**This means that Mr Christopher Green 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 13 March 2025, two 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 Green remains prohibited from teaching indefinitely.

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

Mr Green has a right of appeal to the King'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 'John Knowles', with a stylized flourish at the end.

**Decision maker: John Knowles**

**Date: 7 March 2023**

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