



Teaching
Regulation
Agency

Mr Tom Donohoe: Professional conduct panel outcome

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

March 2023

Contents

Introduction	3
Allegations	4
Preliminary applications	7
Summary of evidence	8
Documents	8
Witnesses	9
Decision and reasons	9
Findings of fact	10
Panel's recommendation to the Secretary of State	33
Decision and reasons on behalf of the Secretary of State	36

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

Teacher: Mr Tom Donohoe
TRA reference: 18740
Date of determination: 22 March 2023
Former employer: Anton Junior School, Andover

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 13 to 22 March 2023 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Donohoe.

The panel members were Mr Gamel Byles (teacher panellist – in the chair), Mrs Shabana Robertson (lay panellist) and Mr Terry Hyde (former teacher panellist).

The legal adviser to the panel was Mr Ben Schofield of Blake Morgan LLP.

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

Mr Donohoe was present and was represented by Mr Nicholas Kennan, instructed by the National Education Union.

The hearing took place in public (save for elements of the oral evidence which was considered in private) and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 13 January 2023.

It was alleged that Mr Donohoe was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as Headteacher at Anton Junior School from 28 April 2003 to 4 June 2018, he:

1. engaged in inappropriate and/or unprofessional behaviour on one or more occasions towards one or more staff members, including by:
 - a) buying one or more gifts for staff members, and/or telling one or more staff members to keep those gifts a secret;
 - b) asking one or more staff members to wear items of clothing that he had purchased and/or taking photographs and/or videos of one or more staff members whilst they were wearing those items of clothing;
 - c) telling Witness C that he used the photographs and/or videos of her and/or others for sexual gratification, or words to that effect;
 - d) telling Witness C that the images and/or videos of Witness C kept his marriage going, or words to this effect;
 - e) making inappropriate comments to staff members, including by:
 - i. asking Witness C about her sex life and/or her personal relationships on one or more occasions;
 - ii. commenting upon staff members' physical appearances.
 - f) saying to Witness B that she would not be welcome at the school if she was expecting to have more children;
 - g) saying to a staff member that she was a 'fucking cunt', or a comment to this effect, and/or becoming aggressive, when this staff member told him that she was pregnant;
 - h) exhibiting aggressive and/or intimidating behaviour towards staff members on one or more occasions, including when:
 - i. he told Witness B "you are not the leader I was expecting; I wanted you here for me physically, emotionally, and mentally", or a comment to this effect, when Witness B refused to hug him;
 - ii. Witness C told him to stop taking videos of her;
 - iii. Individual J told him that she felt uncomfortable with trying on a fur coat;

- iv. he said to Witness A “you’re making me really fucking angry now”;
 - v. in or around October 2017, he said to Witness B and Witness C “you’ve fucking let me down” and “how dare you challenge me”;
 - vi. He swore at staff members on one or more occasions;
 - vii. Witness C told him that she was moving in with her boyfriend and he said that Witness C should have discussed this with him first, or words to this effect.
2. engaged in inappropriate physical contact and/or behaviour with one or more female staff members, including by:
- a) inviting and/or giving and/or requesting hugs on one or more occasions;
 - b) touching Witness A’s knee and/or thigh on one or more occasions;
 - c) placing his arm around a staff member’s shoulders and saying it is because he miss[ed] his [REDACTED];
 - d) placing his hand into Witness B’s coat pocket and/or as a result of doing so, touching the side of Witness B’s body;
3. he made one or more comments about pupils’ physical appearance, including the following comments, or comments to the effect of:
- a) That a pupil was gorgeous
 - b) That a pupil has a nice figure
4. during an assembly in the 2017/18 academic year, intentionally stood on a pupil’s hand;
5. failed to comply with the statutory requirements for KS2 National Curriculum assessments and reporting, by:
- a) allowing and/or instructing staff members to indicate an answer as incorrect to pupils and/or by emphasising particular words to support answers;
 - b) not adhering to allotted time restrictions for one or more assessments;
 - c) asking staff members, including Witness D, to review paper 1 of the Mathematics test to influence a better performance in paper 2 of the Mathematics test;
 - d) during the 2017 SATs examinations, telling staff members to add a ‘0’ to a pupil answer, after the tests had been completed;

- e) saying to a staff member that she must make sure that a pupil does better in subsequent assessments after the pupil had completed his first English test, or a comment to this effect;
 - f) failing to ensure all rooms used for testing were prepared appropriately and specifically that timings were displayed;
 - g) during the 2015 SATs examinations, instructing staff members to create an exam paper answer sheet in advance of pupils completing the assessment, with the intention of this answer sheet being used by staff members to assist pupils during the assessment;
 - h) telling staff members to amend one or more pupils' answers after the assessments had been completed;
 - i) telling one or more pupils what to write in their reading and maths assessments.
6. instructed one or more staff members to falsify data, including by:
- a) instructing Witness B to inflate school data by inserting false numbers into a report for the school improvement visit which resulted in higher percentages for pupil performance;
 - b) instructing Witness B to increase an NQT's lesson observation scoring from 'requires improvement' to 'outstanding';
 - c) instructing Witness A to change internal school data ahead of a Lead Learning Partner monitoring visit by amending Year 6 pupils' progress and attainment levels.
7. provided Witness B with an unfair advantage in the recruitment process for the position of [REDACTED], by:
- a) sharing interview information with Witness B before this interview information was shared with any other candidate;
 - b) telling a Governor, who was on the interview panel, that Witness B was his favoured candidate.
8. His conduct at allegations 5,6 and 7 above was dishonest and/or demonstrated a lack of integrity.
9. His behaviour as may be found proven at allegations 1b-d and 2 above was conduct of a sexual nature and/or was sexually motivated.

Mr Donohoe admitted:

Allegation 1(a), in so far as buying gifts for others, but denied that he asked for them to be kept a secret.

Allegation 1(b), in so as it related to taking photos of those members of staff.

Allegation 2(a), in so far as he accepted there were occasions when he gave hugs, but in the circumstances they were not inappropriate.

Allegation 7(a) was admitted.

The remaining allegations were disputed.

Preliminary applications

There were no preliminary applications at the start of the hearing.

Application to admit late evidence

At the close of the TRA's case, during the early afternoon on Wednesday 15 March 2023, the presenting officer made an application to admit a late document into the evidence. The document was said to have been a letter from Mr Donohoe to Witness C, which referred to certain aspects of their friendship. Witness C had discussed the letter in her oral evidence before the panel at this hearing. Following her evidence, enquiries were made by the TRA to obtain a copy of this letter which was successful.

The presenting officer submitted that the letter was an important piece of evidence and relevant to the issues before the panel. He submitted that the letter would demonstrate how Witness C felt obliged to act in a certain way with Mr Donohoe and would help the panel further understand the context of her evidence. Whilst the presenting officer accepted there was reference to this letter in material that the TRA had first received in its referral in 2018, it was only in Witness C's evidence before the panel during this hearing, that it was established that she had photos of the letter which had been retained. The presenting officer further submitted that it would be fair to admit this evidence, even at this late stage, as it was still before Mr Donohoe was due to give evidence. As the author of the letter, Mr Donohoe would be able to provide an account about the letter in his evidence.

Mr Kennan accepted the letter would undoubtedly be relevant to the issues before the panel. His contention was that it would be unfair to admit this document at such a late stage. He highlighted that the TRA must have been aware of this letter since 2018, and there was no evidence before the panel as to what enquiries had been made to see if there were any copies available prior to today. Mr Kennan submitted that in this respect, the application had the flavour of an ambush in the middle of the hearing. Mr Kennan was also concerned the letter would provide a very small snapshot of an eleven year

friendship, during which, as with any other relationship of that length, there would have been good times and bad times. This was illustrated by the evidence in the hearing bundle which suggested that the letter was part of a volume of material which had been provided to Hampshire County Council but had not been provided to the TRA. It was further submitted that there may be contents in that letter that ought to have been put to other TRA witnesses that had already concluded their evidence earlier in the case.

The panel considered its powers under paragraph 4.18 of the Disciplinary Procedures. Having considered Witness C's evidence about the letter and her lengthy friendship with Mr Donohoe, the panel agreed with the parties' submissions that the letter would be relevant to their determination. Whilst accepting that it would have been a number of years since Mr Donohoe may have seen the letter, as it was accepted that he was the author of that letter, he would therefore have an understanding as to its contents. The panel considered the remedy to any potential unfairness caused by the late admission of the letter would be to ensure that Mr Donohoe had sufficient time to consider the contents of the letter and provide instructions about it to his legal representatives. At the time of this application, Mr Donohoe was not due to give evidence until the following morning. The panel considered this would likely give Mr Donohoe sufficient time and he would be able to make an application for further time, if needed. The panel would also bear in mind what weight could be attributed to any part of the contents of the letter where it was suggested other witnesses should have been given the opportunity to comment on it.

As the panel considered the letter relevant and fair to admit in the circumstances, it was admitted into the evidence.

Private evidence

During the course of Mr Donohoe's evidence, reference was made to aspects of third parties' private lives, in particular to health issues. The panel made a decision to consider that type of evidence in private without a formal application being made. That approach was not opposed by the presenting officer or Mr Kennan.

Summary of evidence

Documents

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

Section 1: Index and preliminary documents – pages 1 to 6

Section 2: Notice of proceedings and response – pages 7 to 26

Section 3: Teaching Regulation Agency witness statements – pages 27 to 123

Section 4: Teaching Regulation Agency documents – pages 124 to 415

Section 5: Teacher documents – pages 416 to 497

In addition, the panel agreed to accept the following:

Letter from Mr Donohoe to Witness C – pages 498 to 502

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

Witnesses

The panel heard oral evidence from the following witnesses called by the TRA:

- Witness A ([REDACTED])
- Witness B ([REDACTED])
- Witness C ([REDACTED])
- Witness D ([REDACTED])
- Witness E ([REDACTED])

The panel heard oral evidence from the following witnesses called by the teacher:

- Mr Tom Donohoe (the teacher)
- Witness F (character witness)
- Witness G (character witness)
- Witness H (character witness)

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision. Whilst the panel has considered all of the evidence before it, these reasons will not make reference to all of that evidence considered.

Anton Junior School (the “School”) is a two form entry junior school in Andover, Hampshire. Prior to resigning his position, Mr Donohoe had spent his working life in the education sector. Having progressed through the leadership scales, Mr Donohoe joined the School as a Headteacher in 2003. At that time, the School was assessed as ‘in need of improvement’ by the local authority.

Over the years, inspection ratings and exam results started to increase, and the School gained a high reputation. Following an OFSTED inspection in 2012, the School was assessed as 'outstanding'.

In 2018, complaints by former staff members to Hampshire County Council ("HCC") caused an investigation to be undertaken by them. During the investigation, Mr Donohoe resigned his position with immediate effect. The HCC investigation continued and following its conclusion, HCC made a referral about Mr Donohoe's conduct to the TRA.

Findings of fact

The findings of fact are as follows:

In general terms, the evidence from the TRA witnesses before the panel was:

Witness B

Witness B was employed as a [REDACTED] at the School between September 2017 and July 2018. Shortly after joining the School, she resigned her position at around October 2017, but continued to work for the full academic year. In September 2018, she took up another role at a different school.

Witness B described that whilst employed at the School, she worked very closely with Mr Donohoe. Her role was equally split between [REDACTED] duties. She spent the majority of her time shadowing Mr Donohoe. She indicated that it was partly due to the relationship between her and Mr Donohoe, that she decided to leave the school so soon after joining.

Prior to the appointment at the School, Witness B had signed up to a leadership programme which was going to be run by the School. The programme did not go ahead, and Witness B contacted Mr Donohoe to discuss the programme. They arranged to meet at a coffee shop on 26 January 2017 and discussed the reasons why it did not go ahead. During this conversation, Mr Donohoe offered to mentor Witness B on a private basis, free of charge.

These sessions took place in a coffee shop, usually on a Friday evening. Witness B asked Mr Donohoe why they were not held at the School. He responded that he did not want staff to know about the meetings and get the wrong idea. Witness B was not aware if he offered these mentoring sessions to anyone else.

Witness B's current school at the time had been assessed as 'requires improvement' from OFSTED, whilst Mr Donohoe's school had received an 'outstanding' rating. During these mentoring sessions, they would discuss strategies in order to improve OFSTED ratings and other strategies. Mr Donohoe would also provide advice on performance management and how to approach staff when they were not adequately performing.

Around the beginning of October 2017, after starting at the School, Witness A had approached Witness B and asked how she was doing in her new role. Witness B described that she burst into tears and disclosed to her some of her concerns. She explained that Mr Donohoe had asked her to try on various coats and how he had hugged her and expected hugs regularly from her. She also explained that the leadership training days with Mr Donohoe were not what she had expected them to be and she was not receiving the training she had been promised. Witness A said that she would be reporting the concerns to the School's governors.

Witness B then started meeting with some of the governors regularly and started to keep a log about what was happening. Following her resignation in October 2017, Witness B gave an account about her experiences in an investigation meeting dated 19 April 2018 and a further exit interview on 18 July 2018.

Witness D

Witness D was employed by the School and worked in a variety of roles between September 1995 and July 2018, when she retired. Those positions involved teaching and [REDACTED] roles, including as [REDACTED]. At the time of her retirement, she was the [REDACTED], which consisted of [REDACTED].

She described working closely with Mr Donohoe on a day-to-day basis and that generally he was pleasant and amenable providing everything was going the way he wanted it to. She described him however as being very snappy when he was in a bad mood.

Witness A

Witness A was employed by the School between 1 September 2014 and 31 August 2018. She was initially employed as [REDACTED].

Witness A said that as [REDACTED], she worked closely with Mr Donohoe. She described him as a difficult character and said that on some occasions he could be very approachable and friendly and then on others he could become very aggressive. She explained she never knew what mood he would be in on a day-to-day basis. Witness A said there was a culture of fear within the school that all the staff were conscious about not upsetting Mr Donohoe as he could turn nasty if he was challenged. She felt she had to tiptoe around him and was scared to question him. She stated that she resigned her position at the school partly because of Mr Donohoe's behaviour.

Witness C

Witness C was employed by the School between September 2007 and 31 August 2019. Witness C started at the School as [REDACTED].

She described working closely with Mr Donohoe and that their relationship grew closer through shared experiences. They started running together infrequently, but that became a daily occurrence. However, Witness C explained that she felt she had to go running with Mr Donohoe every day, otherwise he would become annoyed at her if she did not. She described that the distinction between their personal and professional lives had blurred. The relationship became very intense and that they would describe each other as 'best friends' to others. She said she didn't quite appreciate it at the time, but looking back, thought things had got out of hand. She felt that it was an expectation in the relationship to keep Mr Donohoe happy, for example replying speedily to messages or working late and at weekends. She stated that he would become angry and aggressive at her, if she did not meet his expectations.

Witness C described how this escalating relationship started also affecting her personal relationships and other friendships. She explained that Mr Donohoe would also become jealous when she spent time with other people instead of him.

Witness C said that the situation became too much so she started to confide in Witness A and explained to her that she felt trapped by her relationship with the Headteacher, Mr Donohoe.

Witness E

At the time of these allegations, Witness E was [REDACTED]. Her role involved [REDACTED]. Witness E became involved in the issues at the school towards the end of 2017 to early 2018 following concerns being raised anonymously with the [REDACTED], who had in turn, sought advice from [REDACTED]. She was also part of the [REDACTED].

1. Engaged in inappropriate and/or unprofessional behaviour on one or more occasions towards one or more staff members, including by:

a) buying one or more gifts for staff members, and/or telling one or more staff members to keep those gifts a secret;

Witness B described that Mr Donohoe had regularly bought her gifts, including a leather handbag, bunches of flowers, wine, chocolates, a hoodie and a book, which he told her not to tell anyone about, including her [REDACTED].

Witness B described an occasion when she overheard Mr Donohoe saying that he had bought a coat for Witness C and that it looked good on her.

Witness B further described that she was told that Mr Donohoe had bought matching coats for Witness A and Witness C when they attended a [REDACTED] conference on the Isle of Wight together.

She explained the gifts given to her were always given in the privacy of his office or in his car, when no one else was present.

Witness D stated the staff would arrange a Secret Santa gift exchange during the Christmas period and that there would be a £5 limit on gifts. On one occasion, Witness D recalled seeing a young teacher called [REDACTED] receiving an expensive Superdry jacket in the Secret Santa and that it was bought by Mr Donohoe. Witness D describes everyone present as looking very uncomfortable as a result of this gift being so far over the £5 limit.

Witness A described being the recipient of a number of gifts bought by Mr Donohoe. She stated that in November 2014, Mr Donohoe brought her and Witness C the same cream padded coat which also had a fur hood. Witness A said there was an expectation that if Mr Donohoe bought a gift for you, he would want to see you wearing it. Mr Donohoe had said to Witness A on one occasion that he was offended when he realised that another teacher had not been wearing a gift that he had bought her.

Witness A further stated Mr Donohoe had also bought a number of other gifts for her including a variety of cookery books other clothes and vouchers for afternoon tea. In the autumn term of 2016, Mr Donohoe had left a card, bottle of wine and a book on her doorstep to thank her for her work.

Witness A described that not all members of staff would receive gifts from Mr Donohoe and that it appeared to her that there were favoured staff who would receive such gifts from him.

Witness C described that she would regularly receive gifts from Mr Donohoe. On one occasion, on the day following her [REDACTED] birthday, Mr Donohoe asked her to come into the School. It was a Sunday and Witness C felt that she could not refuse. She attended the school and Mr Donohoe gave her [REDACTED] presents as it was her [REDACTED] birthday. Nobody else was present on that occasion.

Mr Donohoe accepted there were a number of gifts which he had bought for staff members. The types of gifts described by the witnesses, was agreed by Mr Donohoe, including that he had bought [REDACTED] separate gifts for Witness C's [REDACTED] birthday. In his written evidence, Mr Donohoe denied these gifts were inappropriate or unprofessional. However, it appeared to the panel that his position had changed during his oral evidence and that he had now come to consider that they were both inappropriate and unprofessional. Mr Donohoe denied that he ever asked staff members to keep the gifts a secret.

There was clear and cogent evidence before the panel that there was a substantial culture of gifting by Mr Donohoe to certain staff members at the School. Whilst this culture was no secret in the School generally, the panel considered it was more likely

than not that at least on one or more occasions, Mr Donohoe would have also asked for those gifts to be kept a secret. This was particularly so, considering the selective nature to whom Mr Donohoe gave the gifts and that on occasions, the timings of the gifting took place in private and outside of normal school hours.

The panel considered that these actions did amount to inappropriate and unprofessional behaviour on the part of Mr Donohoe, particularly in his role as the Headteacher. This culture of gifting went far beyond simple rewards for a job well done. Some of these gifts could be described as 'over the top'. It blurred the boundaries between professional and private relationships and its selective nature appears to have contributed to the divide in those who thought they had the support of Mr Donohoe and those who didn't.

Accordingly, the panel found this allegation proved.

b) asking one or more staff members to wear items of clothing that you had purchased and/or taking photographs and/or videos of one or more staff members whilst they were wearing those items of clothing;

Witness C explained that Mr Donohoe started asking her to wear fur coats and sometimes boots and that he would take photographs of her doing this. She explained that Mr Donohoe said that the purpose of taking these images were that he could then send them to his mother, so that she could help pick out which coat was best for Mr Donohoe to give to his [REDACTED] as a present. These photographs were taken on school premises, in his office or in the school hall. She explained this became more frequent as the years went on and it happened over a period of around five to six years.

Witness C said on one occasion Mr Donohoe told her that he'd accidentally videoed her whilst using the camera, but he continued to go on to make further videos. She said some of the videos were of her parading around the school hall to music.

Witness B stated that in or around July/August 2017, she was working alone with Mr Donohoe in his office. She described that there was a mirrored wardrobe behind his desk. During this occasion, Mr Donohoe asked if she could do him a favour, but that it could not go beyond the four walls of his office. Mr Donohoe opened the wardrobe and indicated to some of the clothes inside and said he had bought these items for his [REDACTED] as he regularly spoiled her. Mr Donohoe asked Witness B to try some of the coats and jackets on as he wanted to check the sizes as they were bought from different countries.

Witness D stated that Witness B had told her that Mr Donohoe had asked her to model clothes that he was buying for his [REDACTED].

Witness A described that Mr Donohoe had a wardrobe in his office and it contained women's clothes. She said that Mr Donohoe had opened the wardrobe in front of her on a number of occasions so she could see the contents inside. This included ladies' coats,

boots and handbags. On one occasion, Mr Donohoe asked her to try on a fur hooded coat and said that he wanted to see whether it would suit his [REDACTED] or not. Witness A described it as an uncomfortable and awkward moment, and he asked her to turn around a few times and looked her up and down. After that occasion, Mr Donohoe never asked her to try on a coat again.

As part of HCC's investigation, IT equipment used by Mr Donohoe was searched by their IT team. In October 2018, Witness E reviewed the images that had been recovered. She said there were around 4,300 images altogether, albeit that included some duplication of the images. The images showed staff members wearing the coats and boots that were in the wardrobe. She said about two thirds of images were photos of Witness C and were dated between 2009 and December 2017. There are also images of Witness A and a former member of the governing body.

Witness E said there was nothing overtly sexual about the images. In most of the photos, the staff member looked happy and was smiling. The majority of the photographs appeared to have been taken on the school premises including in Mr Donohoe's office, the school hall, and the staff room. It was apparent from a clock that could be seen in some of the images, that some had been taken late in the evening. Some of these images were as late as around 9pm. Witness E confirmed it was an analogue 12-hour clock that could be seen in the images, but that the images also include being able to see the window and as it was dark outside it confirmed to her that they were taken in the evening.

Mr Donohoe agreed that he did ask some staff members to try on coats, to ascertain size, which were presents for his [REDACTED]. He accepted this was inappropriate. He did take photos too, but this was only with their permission and only to help ascertain size. He accepted that this activity was inappropriate and unprofessional.

The panel was satisfied that the consistency of the witness evidence and on Mr Donohoe's own admission to this allegation, showed that this allegation was more likely than not to have occurred and therefore found this allegation proved.

c) telling Witness C that you used the photographs and/or videos of her and/or others for sexual gratification, or words to that effect;

In Witness C's written statement, she stated "He told me that he looked at the pictures and they turned him on... and then Mr Donohoe alluded to the fact that he would sometimes look at the photos when he masturbated; although I cannot recall if he used that exact term". In her oral evidence, she confirmed that he did not use the word masturbate, but stated that he 'enjoyed looking at them at home'.

Mr Donohoe denied making these remarks.

In the absence of any further evidence, the panel was unable to conclude that the remark about 'enjoying' the photographs was a reference to masturbating, the panel was not satisfied that the allegation was more likely to have taken place than not.

Therefore, this allegation was found not proved.

d) telling Witness C that the images and/or videos of Witness C kept your marriage going, or words to this effect;

Witness C did not state anywhere in her written statement or oral evidence that Mr Donohoe had said words to this effect. The only reference the panel could find in the evidence bundle to this allegation, was a singular sentence in the HCC's investigation report, which stated:

"[Mr Donohoe] is reported to have told [Witness C] that his [REDACTED] and the images keep his marriage going."

Mr Donohoe denied making any such comments.

The panel considered that a short, singular hearsay comment was insufficient evidence to satisfy it that it was more likely than not, that Mr Donohoe made such remark.

Accordingly, the panel found this allegation not proved.

e) making inappropriate comments to staff members, including by:

i. asking Witness C about her sex life and/or her personal relationships on one or more occasions;

Witness C explained in her evidence that her [REDACTED] at the time was living in [REDACTED]. Mr Donohoe was aware that she would travel there on the weekends to see him. As a result of this, Mr Donohoe made arrangements for Witness C to come into the School on a Sunday afternoon to undertake work tasks. On one occasion at the School on a Sunday afternoon, Mr Donohoe asked her if she had had sex that morning. She refused to tell him, to which he responded that she must have done otherwise she would have said no. Witness C stated that he then went on to tell her that she disgusted him and asked her to leave.

Witness A stated in her evidence that Mr Donohoe had made comments to her about Witness C's sex life and about how much she liked sex. He further went on to talk about Witness C's [REDACTED] at the time and how much he didn't like him.

Mr Donohoe denied this allegation. He accepted there may have been points in their relationship that he and Witness C had discussions of this nature over the years, but that they would have been at Witness C's instigation.

Further to the witness accounts, there was direct mention about Witness C's private relationships and her sex life in the letter sent from Mr Donohoe to Witness C. The panel was therefore satisfied that it was more likely than not that Mr Donohoe had asked Witness C about her sex life and personal relationships at some point throughout their lengthy and close friendship. The panel considered that conversations of these nature would be unprofessional and inappropriate. This further illustrated the breakdown of the boundary between professional and private relationship that had occurred between Mr Donohoe as a Headteacher and Witness C.

Accordingly, the panel found this allegation proved.

ii. commenting upon staff members' physical appearances.

Witness B agreed in her evidence there was an occasion when she was working in a warm classroom and she said to Mr Donohoe that it was hot. His response to this comment was, 'well you are hot'. Witness B further described that when working in Mr Donohoe's office, he would often make comments about other females such as 'oh she's hot' and 'she's fit' or make reference to their figures.

Witness C referred to an occasion when Mr Donohoe expressed some displeasure at her for styling her hair in a curly fashion. She recalled rushing home after work so she could collect her hair straighteners in order to keep Mr Donohoe happy.

Mr Donohoe accepted making the comment about Witness B being 'hot'. He described it as a ham-fisted joke that he tried to make. He denied other instances of making comments about staff members' appearances.

The panel took into account Mr Donohoe's behaviour of taking photographs of Witness C wearing various clothes, and his reference to advising Witness C to start wearing 'tight trousers' in his letter to her. The panel was satisfied that it was more likely than not that Mr Donohoe would on occasions make comments about staff members' appearance. The panel considered remarks of this nature would be inappropriate and unprofessional.

Accordingly, the panel found this allegation proved.

f) saying to Witness B that she would not be welcome at the school if she was expecting to have more children;

In her statement, Witness B recalled that during their mentoring sessions and discussions regarding the [REDACTED] role, Mr Donohoe said to Witness B that before he would commit to employing her, he wanted to understand her plan around having any future children. She further explained that he said that if she was going to have more children, she would not be welcome at the School and certainly not within a [REDACTED] role. He told her to take some time to think about it. Witness B said that she considered this and then sent him an email to inform him that although she could not

promise that she would not have another child, it was not in her immediate plan over the next year.

The email dated 18 February 2017 stated:

"Thank you for your honesty when we met yesterday. Obviously, [Witness B's [REDACTED]] and I talked this over at length, and I want to mirror your honesty with my own. As you know, I am entirely focused, driven, ambitious and keen to further my career, hence my enthusiasm for the 1:1 mentoring so soon after my return to work from maternity. Whilst I can't give you any concrete guarantees with regards to what we spoke about yesterday, I can assure you that [REDACTED] and I have no imminent plans in this respect. When we decided that I would return to work having achieved my promotion just prior to my taking maternity leave, it was always our intention, and my desire, that I would concentrate on furthering my career. Rest assured that this has not changed."

In her oral evidence, Witness B accepted that she may have been the first person to have brought the conversation up with Mr Donohoe, but that he may still have made these remarks.

Mr Donohoe did not deny that a discussion about maternity had taken place but did deny that he made any comments to the effect that she would not be welcome as a result of any pregnancy.

The panel noted that Witness B may have brought the conversation up in the first instance and considered that the letter did not appear to be consistent with a response to someone who had been threatened about their position regarding any potential future maternity. Additionally, despite giving 'no guarantees' in the letter, she still went on to be offered the position at a later date. Whilst the reference in the letter to speaking 'honestly' with each other about the topic was suggestive that this conversation may have strayed into an inappropriate or unprofessional level, the panel was not satisfied that it was more likely than not that Mr Donohoe had said she would not be welcome at the school if she was expecting to have more children.

The panel therefore found this allegation not proved.

g) saying to a staff member that she was a 'fucking cunt', or a comment to this effect, and/or becoming aggressive, when this staff member told you that she was pregnant;

This allegation was not explored in the statements or oral evidence before the panel. The only reference the panel found in the evidence bundle was the following remarks in HCC's investigation:

“[Mr Donohoe] is reported to have become very angry when another member of staff told him she was pregnant, calling her a 'fucking cunt' within the hearing of others and storming out of the office to 'calm down'... A comment was also reported to be made subsequently in relation to that same member of staff that '[Mr Donohoe] would only consider appointing men in the future, as they didn't need time off for fucking babies'.”

The panel considered this unattributed, multiple-hearsay remark in the investigation report as insufficient to discharge the burden of proof and found this allegation not proved.

h) exhibiting aggressive and/or intimidating behaviour towards staff members on one or more occasions, including when:

i. you told Witness B “you are not the leader I was expecting; I wanted you here for me physically, emotionally, and mentally”, or a comment to this effect, when Witness B refused to hug you;

Following an event when Witness B refused to hug Mr Donohoe, Witness B explained that the following day Mr Donohoe brought her into his office and was shaking with anger. He said to her that she should have given him a hug. She stated that he then said ‘that he was not sure if we could carry on like this and that I needed to support him physically, mentally and emotionally’.

Witness B stated that she had raised this issue with the [REDACTED] but there was no further evidence to that effect before the panel. The panel heard reference to a log having been kept by Witness B about concerns she had, but this material was not put before the panel. In her evidence, apart from making reference to Mr Donohoe shaking with anger, there was no other reference to his demeanour at the time. The panel therefore, was not satisfied that it was more likely than not that Mr Donohoe was exhibiting aggressive or intimidating behaviour.

The panel therefore found this allegation not proved.

ii. Witness C told you to stop taking videos of her;

Witness C’s evidence was that there was a point where she told Mr Donohoe that she didn’t want him to keep taking photos and videos of her. She said that Mr Donohoe told her he wouldn’t make her do it, but then would go on to say things like ‘all the things I do for you’ so this would make her feel bad.

The panel had no further evidence before it, which it could attribute to aggressive or intimidating behaviour and therefore found this allegation not proved.

iii. Individual J told you that she felt uncomfortable with trying on a fur coat;

[REDACTED] had not been interviewed by the TRA for a statement in these proceedings and had not been called as a witness. The only reference in the evidential bundle to this event was found in HCC's investigation report, which stated:

“On the third occasion [[REDACTED]] told [Mr Donohoe] she felt uncomfortable doing this; [Mr Donohoe] reportedly became very angry and replied ‘do you think I'm dodgy?’ [Mr Donohoe] did not make further requests of this nature after that exchange in respect of [[REDACTED]].”

The panel considered this short hearsay remark in the investigation report as insufficient evidence to discharge the burden of proof and found this allegation not proved.

iv. you said to Witness A “you're making me really fucking angry now”;

Witness A stated that when Mr Donohoe became angry, he would swear and thump on the desk. She recalled an occasion when she voiced a difference of opinion and he responded, ‘you're making me really fucking angry’. She had also raised these issues in the investigation interview.

Mr Donohoe denied making these remarks. He did accept that he would on occasions use ‘industrial language’, but that when he did, they were not directed at staff. Witness A also accepted that she and other staff would use swear words in their professional lives at the School.

Whilst the panel considered it was more likely than not that Mr Donohoe made these remarks, in light of his acceptance of using such language generally, the panel had no evidence before it which it could attribute to aggressive or intimidating behaviour at the time he made these remarks.

Therefore, the panel found this allegation not proved.

v. in or around October 2017, you said to Witness B and Witness C “you've fucking let me down” and “how dare you challenge me”;

Witness B explained that in October 2017, she attended a [REDACTED] conference on the Isle of Wight with Mr Donohoe and Witness C. She described that they had been working all day together on a presentation for the School's [REDACTED]. At around 5:30pm, Mr Donohoe told her and Witness C to leave him to finish preparing the presentation and go and get ready for dinner and catch up with their respective families.

During the dinner Witness B described Mr Donohoe as being cross and not making any conversation, other than one-word answers. At some point he said to both colleagues

that 'you have really fucking let me down today' and proceeded to explain that they had left him to finish the work by himself. Witness B told him that they had offered twice to stay and help finish the presentation but that he had told them to get ready for dinner. Witness B stated that Mr Donohoe then got really angry and said, 'how dare you challenge me'. Witness B told him that she had had enough and that she did not want to work with him anymore and left the table.

Witness B explained that Mr Donohoe followed her upstairs and tried to walk into her room, but she stopped him from entering. She started to cry and called her [REDACTED]. Witness C then came to her room and they had to text each other to communicate so that Mr Donohoe, who was still stood outside, could not hear them talk.

Witness B said to Witness C that she wanted to leave and her husband had offered to pick her up, but Witness C asked her not to go, otherwise she would have been alone with Mr Donohoe and was worried for her own safety. As a result, Witness B remained at the hotel.

Witness B agreed to meet with Mr Donohoe later that evening after he requested, but only in a public area of the hotel. When she met with him, she told him that she was going to resign, which she did so afterwards, although remained in post for the rest of academic year.

Witness B was asked to account for why in her exit interview she had made reference to the phrase 'incredibly' as opposed to 'fucking'. She explained that the words were equivalent and interchangeable in the context.

Witness C confirmed that she was at the conference on the Isle of Wight in October 2017 with Witness B and Mr Donohoe. She recalled the disagreement between Mr Donohoe and Witness B and that Witness B walked off from the dinner.

Mr Donohoe accepted there had been an issue at the dinner, he described himself as being shattered at the time, missing his family and sullen, although he denied that he became angry at any point. He said both he and Witness B were upset and that he only went up to her room to try and sort out the issue.

The panel was satisfied that Witness B account was more likely than not to have occurred, particularly in light of the agreed position that Mr Donohoe had followed her up the stairs, which the panel considered was suggestive of a significant event happening at the dinner table. The panel also considered Mr Donohoe's own account of his state of mind at the time and the general picture of the evidence before the panel in regards to Mr Donohoe's behaviour and attitudes when challenged by other staff. The panel considered that such behaviour would have been aggressive and intimidating and therefore found this allegation proved.

vi. You swore at staff members on one or more occasions;

All the staff witnesses made reference in their evidence to Mr Donohoe swearing at staff and that he would often take other actions such as banging or thumping on the desk. These accounts were consistent with what was provided by a number of staff in the HCC investigation.

Also taking account of the factual basis for the above two sub-allegations, the panel considered it was more likely than not that Mr Donohoe would swear at staff in an aggressive or intimidating manner and therefore found this allegation proved.

vii. Witness C told you that she was moving in with her [REDACTED] and you said that Witness C should have discussed this with you first, or words to this effect.

In her statement Witness C's evidence was that whilst she was out running with Mr Donohoe they discussed about her moving in with her [REDACTED] and that Mr Donohoe became angry about this and started shouting at her.

This topic was not further developed in the oral evidence before the panel. The panel was not satisfied that it had sufficient evidence before it in regards to any detailed evidence about the shouting to evaluate if it amounted to aggressive and intimidating behaviour and therefore found the allegation not proved.

2. engaged in inappropriate physical contact and/or behaviour with one or more female staff members, including by:

a) inviting and/or giving and/or requesting hugs on one or more occasions;

Witness B explained that Mr Donohoe appeared to enjoy physical contact, especially in the form of hugs. He would request hugs from her regularly and mainly in the privacy of his office, which made her feel uncomfortable. She further explained that if she had delivered a good lesson, his initial response would be to hug her rather than praising her verbally.

On one occasion, Mr Donohoe told her that he had had a rough day as he had to restrain a pupil and was quite shaken up by it all. After the incident he asked her to attend his office. He said that he really needed a hug. She said that she brushed the request off and continued with her task. She said that he repeated the request and she replied that he could hug his [REDACTED] once he returned home for the day.

Witness B stated that she had personally seen Mr Donohoe hug a number of other members of staff. They were mainly female, but she did see him occasionally hug a male member of staff, but described it as often more of a friendly handshake. The other staff included [REDACTED], Witness A and Witness C.

Witness D said that Witness B told her that Mr Donohoe would expect Witness B to give him hugs and that she felt very uncomfortable in having to do so.

Witness A evidence was that Mr Donohoe made physical contact with her on a daily basis in the form of hugs and would expect a hug each morning when she arrived at school. She further explained that he expected these hugs mainly from the [REDACTED] which included her, Witness C and Witness B. She said that she had witnessed him hugging these members of staff regularly.

Mr Donohoe accept that over the 15 years he spent working at the school there were occasions in which he gave hugs. He initially disputed that in the circumstances that they took place that they were inappropriate but during the hearing, Mr Donohoe did accept that the hugging had become inappropriate.

The panel was satisfied it had clear and cogent evidence before it which showed there was a culture of Mr Donohoe hugging members of staff. The panel considered this inappropriate, particularly as Mr Donohoe was the Headteacher. This blurred the boundaries between professional and personal relationships and could further entrench the view that some staff members had the full support of Mr Donohoe, whilst others did not.

Accordingly, the panel found this allegation proved.

b) touching Witness A's knee and/or thigh on one or more occasions;

Witness A described that Mr Donohoe used to place his hand on her knee when they worked together. This was when they were sat at his desk and when they were sometimes together in the car. She described this happened from the start of her employment in September 2014 and continued for a long time. She described that she would be sat directly next to him whilst typing on the computer and it was on these occasions, he would touch her knee or thigh. She confirmed that she did not raise anything with him at the time as she felt so uncomfortable.

Mr Donohoe accepted that over the years there would have been occasions when he touched other members of staff for example on their shoulder or knee. This would have been as a supportive measure for example if the member staff was upset or need of support. Mr Donohoe denied touching Witness A on her thigh at all.

The panel considered that Witness A account was more likely to have occurred than not, taking into account the general picture of the evidence before the panel in regards to the tactile nature of Mr Donohoe's behaviour to other staff members. The panel considered the account that Mr Donohoe gave, but felt that it was totally inappropriate for a male member of staff to be touching a female member of staff on the knee or thigh area, whatever the circumstances.

The panel therefore found this allegation proved.

c) placing your arm around a staff member's shoulders and saying it is because you miss your [REDACTED];

In her statement, Witness A stated:

“The [REDACTED] would visit the national conference in Birmingham each year. I recall that in June 2016, I went to the conference with Mr Donohoe. He walked very closely next to me, put his arm around me and told me that he was missing his [REDACTED].”

Mr Donohoe denied this allegation.

This evidence was not further explored or expanded on in oral evidence before the panel. The panel considered that there was insufficiently detailed evidence from these brief comments in the statement to satisfy itself that the TRA was able to discharge its burden of proof regarding this sub-allegation and therefore found it not proved.

d) placing your hand into Witness B's coat pocket and/or as a result of doing so, touching the side of Witness B's body;

Witness B explained that she tried on around seven or eight different coats on the occasion that Mr Donohoe ask her to try on the clothes to check for sizing for his [REDACTED]. For each coat, Mr Donohoe would write down the size on a post-it note and put it in the jacket pocket, even though the sizes would have been on the labels. Witness B recalled on some of the occasions, he would slide the note in slowly and could feel his hand touching the side of her body through the coat. She further described him as adjusting the belt on one coat and unfastening the buttons on another. Witness B described the experience as uncomfortable and uneasy.

Witness D stated that Witness B had told her about this event and that she explained that on one occasion during that event he put his hand into Witness B's pocket.

Mr Donohoe accepted that he may have put at least one of the post-it notes into her pocket, during this occasion when he asked her to try on the jackets.

The panel was therefore satisfied that it was more likely than not that this happened and following the reasoning given in allegation 2(b), the panel considered it was inappropriate.

Therefore, the panel found this allegation proved.

3. you made one or more comments about pupils' physical appearance, including the following comments, or comments to the effect of:

a) That a pupil was gorgeous

b) That a pupil has a nice figure

Witness B recalled an event when pupils were doing a gym performance and Mr Donohoe said to her: 'she's gorgeous' and 'she has a nice figure' when referring to a [REDACTED] pupil. She said that she remembered feeling uncomfortable by a pupil being referred to in that manner. Witness B accepted that she had not raised this as a safeguarding concern at the time.

Mr Donohoe denied this allegation.

This allegation was not further explored in oral evidence before the panel. The panel considered these brief remarks did not provide it with sufficient detail and cogency to satisfy itself that it was more likely than not that this event had taken place. The panel therefore found this allegation not proved.

4. during an assembly in the 2017/18 academic year, intentionally stood on a pupil's hand;

Witness B explained about an event in around November or December 2017, that during a school assembly she saw Mr Donohoe standing very close to a pupil who was crying. Mr Donohoe did not say any words and the pupil then started to cry further. Witness B said that she was sat on the same row by the pupil.

Witness B said she discussed this with another member of staff later, but she could not remember who it was and that member of staff told her that Mr Donohoe had deliberately stood on the pupil's hand.

Witness A described an event that took place around 2017 or 2018, in which Mr Donohoe was present during a school assembly. These assemblies took place every Friday. She recalled seeing a pupil that often displayed challenging behaviour was sat in the front row. She described the pupil as struggling with the assembly and creating noise and disruption. Witness A then described that Mr Donohoe went to the pupil and put his foot onto either the pupil's hand or foot and exerted pressure for a few good seconds. Following this she looked over at Witness B and she thought there was a silent acknowledgement between them as to what they had both just witnessed. Following the assembly, they discussed it with each other. Witness B and Witness A accepted that following this event, they did not raise this as a safeguarding concern.

Mr Donohoe denied this allegation. He recalled the incident in question and accepted that he had gone over to the pupil. He picked the pupil up as he was kicking out at other pupils and moved him for that reason. Once he had picked the child up, he then took him outside the assembly hall. He stated at no point did he purposely stand on the pupil's hand.

The panel was not satisfied it had a clear evidential position as to what happened during this event. The evidence was not clear as to which body part Mr Donohoe may or may not have stood on. Even if the evidence was clearer on that point, the panel considered there was an equally reasonable explanation that had not been ruled out in that Mr Donohoe may have simply stood on the pupil's hand by accident whilst he was trying to deal with a difficult pupil in the middle of an assembly and whilst surrounded by other pupils.

Accordingly, the panel found this allegation not proved.

5. failed to comply with the statutory requirements for KS2 National Curriculum assessments and reporting, by:

- a) allowing and/or instructing staff members to indicate an answer as incorrect to pupils and/or by emphasising particular words to support answers;**
- b) not adhering to allotted time restrictions for one or more assessments;**
- c) asking staff members, including Witness D, to review paper 1 of the Mathematics test to influence a better performance in paper 2 of the Mathematics test;**
- d) during the 2017 SATs examinations, telling staff members to add a '0' to a pupil answer, after the tests had been completed;**
- e) saying to a staff member that she must make sure that a pupil does better in subsequent assessments after the pupil had completed his first English test, or a comment to this effect;**
- f) failing to ensure all rooms used for testing were prepared appropriately and specifically that timings were displayed;**
- g) during the 2015 SATs examinations, instructing staff members to create an exam paper answer sheet in advance of pupils completing the assessment, with the intention of this answer sheet being used by staff members to assist pupils during the assessment;**
- h) telling staff members to amend one or more pupils' answers after the assessments had been completed;**
- i) telling one or more pupils what to write in their reading and maths assessments.**

Witness D stated that she had a deep concern about the management of the SATs under Mr Donohoe's administration. She described the exam timings in 2012 as somewhat elastic and that Mr Donohoe was checking that all the pupils had finished the exam papers before formally ending the exam. Witness D stated that one of the pupils had asked her 'if they had not already had all of their time' and that by reference to her own wrist watch, she thought it had been extended by around 5 to 10 minutes. She could not recall whether the timings were displayed in the exam room or not.

Witness D's evidence was that she was told by other staff members that Mr Donohoe had told them to read out the questions with a certain emphasis to assist the pupils in getting to a correct answer. She further described that it was implicit that Mr Donohoe expected the teachers to tap on the table if a pupil had answered a question incorrectly. Witness D confirmed in her evidence that she never received any express instruction from Mr Donohoe to undertake any actions that would properly be categorised as exam maladministration.

Regarding the 2015 exams, Witness D's evidence was that she had some concerns regarding the way test papers were controlled. Witness D states it that she was aware from conversations with other teachers the exam papers would be opened before the test was due to start and that Mr Donohoe had instructed a teacher to review the paper and prepare an answer sheet. Copies of this sheet were then said to have been distributed to other members of staff. Witness D said she was offered a copy of this answer sheet from another member of staff but refused to accept it.

Witness D further recalled a [REDACTED] had approached her during the exams. The [REDACTED] said that she thought "a pupil had not done particularly well, which was expected... the pupil was expected to attain a high Level 3 in English as he was in the [REDACTED]. However, this pupil attained a Level 5." The [REDACTED] also informed Witness D that Mr Donohoe had said to her 'make sure he does better today'. Witness D confirmed in her evidence that she did not raise any concerns, prior to the local authority investigation.

In the notes of the interview of Witness D taken by the local authority in their 2018 investigation, it was recorded that Witness D said that she had never saw any answer sheets being passed around. When asked to account for this contradiction in her oral evidence, she explained that that comment likely related to the 2018 exams after Mr Donohoe had left. The panel considered the surrounding comments in Witness D's local authority interview, which she confirmed in her evidence was correct. The other comments plainly made reference to concerns about the SATs exams whilst Mr Donohoe was still in position, prior to 2018 and the only other remarks in regards to the 2018 exams were clearly noted as being applicable to that time period. The panel therefore considered that it was more likely than not that Witness D had told the local authority investigation that she had not seen any answer sheets being passed around.

Witness A stated that she had a number of concerns with how Mr Donohoe ran the SATs. She said that Mr Donohoe had asked her not to place timings on the board and that he would get a teacher to work out the answers to the maths papers once they were opened. This teacher would photocopy the answer sheet and distribute them to the other staff working in the exam room which she saw first-hand. She further described that in 2016 or 2017, when Mr Donohoe was not present during the exam, he had instructed another teacher to ensure that extra time was given.

Witness A said that on one occasion during the exams in 2017, she was present in Mr Donohoe's office with him and some other [REDACTED]. She said that Mr Donohoe suggested that she should add an extra zero to an answer, when they notice it was incorrect and so that it was then the correct answer. Witness A stated that she did not do it. She also said that Witness C and another teacher told her that they had both changed papers in the past following a request from Mr Donohoe.

Witness A further stated that during the exam, she had seen Mr Donohoe walking around and that if he found a mistake in a pupil's answer, he would point this out to the child and try and coach them.

Witness A confirmed in her evidence that she did not raise any concerns, prior to the local authority investigation.

Witness C also stated that she had concerns about the SATs exams. She described an occasion when Mr Donohoe had noted that a particular pupil had not done well in a first paper and told staff to 'keep an eye on them' for the second paper. Witness C said that if staff saw a pupil writing a wrong answer, they would be expected to point to the answer to make the pupil revisit the question. Witness C said that Mr Donohoe never directly instructed her or staff to do this but would be very cross if the pupils they were asked to look after, didn't make the expected grade.

When asked if she had ever amended a pupil's paper after the exam had finished, she said she had not. Witness C was unable to offer any explanation as to why Witness A had stated in her evidence, that Witness C told her that she had previously amended a pupil's paper. Witness C confirmed in her evidence that she did not raise any concerns, prior to the local authority investigation.

Mr Donohoe denied this allegation in full. Mr Donohoe confirmed that he was often present for the exams. He stated that he had never provided instructions expressly or by implication to cheat in the SATs or undertaken any such actions himself. Mr Donohoe also stated that the local authority would on occasion make inspections during the SATs week and that no issues had ever been raised to him about maladministration of those exams. He stated if any maladministration had occurred whilst he was the Headteacher, he was not aware of it.

The panel noted much of the evidence in support of this allegation was of a hearsay nature, including instances of multiple-hearsay. All of the witnesses giving oral evidence before the panel confirmed that Mr Donohoe never expressly instructed them to undertake any activities that would amount to maladministration of the exams. The general position of the witnesses was that they believed it was an expectation and that the instructions were implicit from Mr Donohoe's actions. The panel considered that the evidence before it was insufficiently cogent to be able to identify what those implicit instructions were to staff and how they were expected to put them into action.

Accordingly, the panel could not be satisfied it was more likely than not that Mr Donohoe was responsible for the failings alleged in these particulars and therefore found it not proved.

6. instructed one or more staff members to falsify data, including by:

a) instructing Witness B to inflate school data by inserting false numbers into a report for the school improvement visit which resulted in higher percentages for pupil performance;

Witness B described an event when she and Mr Donohoe were working on a report for the School's improvement visit which monitored the School's performance to ensure the School was still ranked as outstanding. They had to record how many pupils were on track to meet age-related expectations. Witness B explained that Mr Donohoe instructed her to increase these marks. He said to 'pick any number in the 80's' and add it into the data. She further explained that when he sensed her concern, he explained that all headteachers made this data up. This would have provided incorrect higher-performance results and was false. Following this, Witness B reported the issue to the [REDACTED] during one of her regular meetings with him.

Mr Donohoe denied this allegation and explained that by simply making up figures to inflate performance would have been revealed quickly by the amount of cross-referencing that is undertaken with that sort of data.

In the absence of any evidence before the panel in regards to which pupils and cohort were said to have had their data inflated and by how much, the panel accepted Mr Donohoe's explanation that such a rudimentary attempt to manipulate the data would quickly come undone. The panel was therefore not satisfied that it was more likely than not that Mr Donohoe had instructed the data to be inflated and found this allegation not proved.

b) instructing Witness B to increase an [REDACTED] lesson observation scoring from 'requires improvement' to 'outstanding';

Witness B's evidence was that on one occasion in the Autumn term in 2017, [REDACTED] had not performed well as his subject knowledge was poor during an

observed lesson. After the lesson observation, Mr Donohoe and Witness B went through the assessment form together. She recommended that the grading needed to be 'requires improvement' due to the [REDACTED] lack of subject knowledge. She further stated that Mr Donohoe instructed her to mark it as 'outstanding' as the teacher was always on time and that a bad grade would affect his self-esteem and devalue his efforts and hard work. Witness B considered that this meant the lesson observations were not accurate and a true reflection.

Mr Donohoe denied this allegation. He stated that he was a trained OFSTED inspector and Witness B was significantly less experienced in lesson observations. He accepted that a conversation occurred about the grading but that he simply took a different professional opinion and did not consider the issue with subject matter knowledge as being so deficient as to reduce his assessment result.

The panel did not have the relevant observation recordings before it, or any guidance in relation to assessment of [REDACTED] lessons. The panel noted that Mr Donohoe was a more senior and experienced assessor and considered that his explanation that was a simple difference in professional opinions was not one that it could reasonably reject on the evidence before it.

Therefore, the panel was not satisfied that it was more likely than not, that Mr Donohoe did falsify this data and therefore found this allegation not proved.

c) instructing Witness A to change internal school data ahead of a Lead Learning Partner monitoring visit by amending Year 6 pupils' progress and attainment levels.

At closing, the TRA accepted that the factual premise for this sub-allegation was the same as allegation 6(a) owing interchangeability of Lead Learning Partners and School Improvement Partners.

Accordingly, the panel did not further consider this allegation and found the allegation not proved.

7. provided Witness B with an unfair advantage in the recruitment process for the position of [REDACTED], by:

a) sharing interview information with Witness B before this interview information was shared with any other candidate;

Witness B stated that on 17 February 2017, Mr Donohoe phoned Witness B and advised her that a position had opened up at the School for a [REDACTED] position and that he had created the position for her.

Witness B underwent the recruitment process for the position. Mr Donohoe provided Witness B with interview material by email on 27 March 2017, which she states was before any of the other applicants.

Mr Donohoe accepted that he had provided this information in advance of any other candidate and that it was inappropriate for him to have done so.

The panel accepted Mr Donohoe's admission as being consistent with the surrounding evidence and therefore found this allegation proved.

b) telling a [REDACTED], that Witness B was your favoured candidate.

At the close of the TRA case, the presenting officer advised that he was offering no evidence on this allegation, as this allegation had incorrectly been advanced on the basis that Mr Donohoe was not on the interview panel. As he was, the TRA conceded it would have been entirely appropriate for him to express his views to the [REDACTED] also on the panel as to his preference on candidates.

Accordingly, the panel found this allegation not proved.

8. Your conduct at allegations 5, 6, and 7 above was dishonest and/or demonstrated a lack of integrity.

In light of the above findings, the panel considered this allegation in relation to allegation 7(a) only. The panel considered that Mr Donohoe's actions in providing the information to Witness B in advance of the other candidates would not amount to dishonesty in the consideration of the objective assessment of his actions. The panel further considered that it would not have amounted to acting with a lack of integrity. The panel considered that Mr Donohoe's actions were more properly assessed as being 'over enthusiastic' in his attempt to recruit Witness B as she was being mentored by him.

The panel therefore found this allegation not proved.

9. Your behaviour as may be found proven at allegations 1b-d and 2 above was conduct of a sexual nature and/or was sexually motivated.

In light of the above findings, the panel considered this allegation in relation to allegations 1(b) and 2(a), 2(b) 2(d).

The panel took into account the number of pictures of female staff and the amount of time this took place over, which was measured in years. The panel further took into account Mr Donohoe's explanation that it was simply to check for the sizing of the garments, before gifting them to his [REDACTED]. The panel considered this an improbable explanation in light of the volume of images and time period in which this had occurred. The panel also considered the other references in the evidence about female

clothing, such as the reference to wearing tight trousers in the letter Mr Donohoe sent to Witness C.

The panel considered that these aspects of the evidence supported the conclusion that it was more likely than not that the proven aspects of allegation 1(b) were done for his own sexual gratification.

The panel therefore found this allegation proved in so far as it applied to this allegation.

In regard to allegation 2, whilst the panel was of the view they were of an inappropriate nature, the panel was not provided with sufficient evidence to be satisfied that the culture of hugging, the instance where Mr Donohoe placed his hand into the pocket, or the wider conduct of touching staff, were of a sexual nature or sexually motivated and therefore 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”.

Firstly, the panel considered that not all of the proven allegations would amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

The panel considered that allegations: 1(e)(ii), 2(d), 7(a) were not sufficiently serious to say that Mr Donohoe’s actions fell significant short of the expected standard. The panel considered they were best characterised as temporary lapses in judgment, or otherwise excusable.

The panel was satisfied that the conduct of in relation to the remaining allegations found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Donohoe 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
 - 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, and maintain high standards in their own attendance and punctuality.

The panel was satisfied that the conduct of Mr Donohoe amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. The evidence before the panel demonstrated that Mr Donohoe, in the most senior professional position at a school, allowed an inappropriate and unprofessional culture to continue for a significant period of time which had led to the complete erosion between the personal and professional boundaries and elements of which were done so for his own sexual gratification.

The panel also considered whether conduct displayed behaviours associated with any of the offences listed on pages 12 to 14 of the Advice. The panel found that the offences of controlling behaviour was relevant, in light of the evidence regarding Mr Donohoe's actions towards other members of staff. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct.

Accordingly, the panel was satisfied that Mr Donohoe was guilty of unacceptable professional conduct.

The panel took into account the way the teaching profession is viewed by others and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave. The panel considered that the public would rightly be concerned that such fundamental breakdowns of the professional and private relationships of staff members, particularly those in the most senior position, that it would make it impossible to identify where the boundaries of professional standards started and ended.

Accordingly, the panel satisfied that Mr Donohoe was guilty of conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

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

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely:

- the 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 Donohoe which involved an inability to maintain appropriate professional boundaries with other staff members, there was a strong public interest in declaring proper standards of conduct in the profession.

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

The panel decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator and he is able 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 Mr Donohoe.

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 Donohoe. 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;
- abuse of position or trust;
- sexual misconduct, e.g. involving actions that were sexually motivated or of a sexual nature and/or that use or exploit the trust, knowledge or influence derived from the individual's professional position;

The panel carefully considered the sexual misconduct element in this case. The panel noted it did not relate to any pupil nor did not involve any element of physical touching or communication. The conduct related only to the taking of photographs of staff members and it was not the case that they were taken without the knowledge of the staff member in the photo. Taking these factors into account, the panel considered the sexual misconduct in this case was at the very lowest end on the spectrum of this type of misconduct.

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.

There was no evidence that Mr Donohoe's actions were not deliberate or that he was acting under duress.

There was significant material before the panel in regard to Mr Donohoe's character and abilities as a teacher. The panel heard from three character witnesses, all of whom were or had been members of the teaching profession and had held [REDACTED]. All the witnesses spoke to Mr Donohoe's commitment to hard work and supporting those around him. Witness H and Witness G had also directly worked with Mr Donohoe early on in their teaching careers. Both described him as an inspirational teacher and with a commitment to improving the opportunities for his pupils.

The panel also considered six other character references, including from a [REDACTED] of the School and other teachers. They similarly spoke in admirable terms about Mr Donohoe's contributions to the teaching profession.

The panel also had before it a number of items of correspondence from former teachers at the School, who had written to Mr Donohoe to thank him for the support and training he gave them.

The panel was presented with extracts of the 2012 OFSTED report, which was the latest report under Mr Donohoe's tenure. The School was rated 'outstanding' and the report contained the following remarks:

"The headteacher and deputy headteacher give inspirational leadership, with a clear and uncompromising focus on the school's stated aim of developing the whole child through excellent provision. They have created a highly successful and motivated team who shares their vision for the school. There are many positive comments from staff in support of this, for example, 'I am incredibly proud to be part of this school. The leadership team are brilliant, supportive and helpful'".

The panel noted that Mr Donohoe has been a school leader to whom fellow professionals turned for advice in promoting their careers and this illustrates the high regard in which he has been held. This situation is in no small part attributable to the significant contribution he has made to education in his local area. This can be evidenced by him being invited to address educational conferences and the considerable efforts he has made in fundraising for his own school and providing the funds for the building of facilities for use in the community.

The panel also took into account that Mr Donohoe had made some admissions regarding his conduct and its appropriateness. The panel considered Mr Donohoe also had some

recognition and insight into how his behaviour had led to the breakdown of professional boundaries, albeit the panel considered it had not fully matured. Whilst in his evidence Mr Donohoe was not able to fully understand how his behaviour might have led to some teachers feeling intimidated by his actions, the panel heard that he has subsequently modified his behaviour.

The panel heard from Witness F, [REDACTED] and a [REDACTED] who gave evidence about Mr Donohoe's skills and management style. The panel was satisfied from her and Mr Donohoe's evidence that Mr Donohoe has been working with management colleagues at the same level and through this, has been able to develop management and leadership strategies to help remediate the issues with his interpersonal skills.

The panel was satisfied that Mr Donohoe's insight was sufficient to the extent that it considered that the repetition of this type of misconduct was unlikely.

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, 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.

Accordingly, the panel made a recommendation to the Secretary of State that no prohibition order should be imposed in this case.

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 some of those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the

allegations not proven, and found that some allegations do not amount to unacceptable professional conduct or conduct likely to bring the profession into disrepute. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Tom Donohoe should not be the subject of a prohibition order. The panel has recommended that the findings of unacceptable professional conduct and 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 Mr Tom Donohoe 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
 - 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, and maintain high standards in their own attendance and punctuality.

The panel finds that the conduct of Mr Donohoe 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 Mr Donohoe, and the impact that will have on the teacher, is proportionate and in the public interest.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel also took into account that Mr Donohoe had made some admissions regarding his conduct and its appropriateness. The panel considered Mr Donohoe also had some recognition and insight into how his behaviour had led to the breakdown of professional boundaries, albeit the panel considered it had not fully matured. Whilst in his evidence Mr Donohoe was not able to fully understand how his behaviour might have led to some teachers feeling intimidated by his actions, the panel heard that he has subsequently modified his behaviour."

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 Donohoe 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 Donohoe himself and the panel comment “There was significant material before the panel in regard to Mr Donohoe’s character and abilities as a teacher. The panel heard from three character witnesses, all of whom were or had been members of the teaching profession and had held [REDACTED]. All the witnesses spoke to Mr Donohoe’s commitment to hard work and supporting those around him. Witness H and Witness G had also directly worked with Mr Donohoe early on in their teaching careers. Both described him as an inspirational teacher and with a commitment to improving the opportunities for his pupils.”

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

In this case, I have placed considerable weight on the panel’s comments, “The panel was satisfied that the conduct of Mr Donohoe amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession. The evidence before the panel demonstrated that Mr Donohoe, in the most senior professional position at a school, allowed an inappropriate and unprofessional culture to continue for a significant period of time which had led to the complete erosion between the personal and professional boundaries and elements of which were done so for his own sexual gratification.”

I have also carefully considered the following comments related to sexual misconduct “The panel carefully considered the sexual misconduct element in this case. The panel noted it did not relate to any pupil nor did not involve any element of physical touching or communication. The conduct related only to the taking of photographs of staff members and it was not the case that they were taken without the knowledge of the staff member

in the photo. Taking these factors into account, the panel considered the sexual misconduct in this case was at the very lowest end on the spectrum of this type of misconduct.”

I have also placed considerable weight on the panel’s comments related to Mr Donohoe’s contribution to the profession ”The panel noted that Mr Donohoe has been a school leader to whom fellow professionals turned for advice in promoting their careers and this illustrates the high regard in which he has been held. This situation is in no small part attributable to the significant contribution he has made to education in his local area. This can be evidenced by him being invited to address educational conferences and the considerable efforts he has made in fundraising for his own school and providing the funds for the building of facilities for use in the community.”

I have given more weight in my consideration of sanction therefore, to the contribution that Mr Donohoe has made 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 'S Buxcey', with a stylized, cursive script.

Decision maker: Sarah Buxcey

Date: 29 March 2023

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