



Teaching
Regulation
Agency

Mr Terence Wall: Professional conduct panel outcome

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

May 2023

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

Teacher:	Mr Terence Wall
Teacher ref number:	3348238
Teacher date of birth:	1 August 1954
TRA reference:	19243
Date of determination:	24 May 2023
Former employer:	Hambleton & Richmondshire Pupil Referral Service, North Yorkshire

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 22 to 24 May 2023 by virtual means to consider the case of Mr Terence Wall.

The panel members were Mr Clive Ruddle (lay panellist – in the chair), Mrs Aisha Miller (teacher panellist) and Mr Ian Hylan (teacher panellist).

The legal adviser to the panel was Mrs Luisa Gibbons of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Miss Grace Flynn of Capsticks solicitors.

Mr Wall was not present and not represented.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the Notice of Proceedings dated 28 February 2023, as amended by the panel pursuant to an application by the presenting officer.

It was alleged that Mr Wall was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a teacher at Hambleton and Richmondshire Pupil Referral Service, he:

1. Between around 1 February 2019 and 14 March 2019, used inappropriate language towards and/or in the presence of pupils, including:
 - a. using the word “fanny” when referring to and/or speaking to Pupil A;
 - b. saying “don’t be a faggot” or words to that effect to Pupil B;
2. Used inappropriate physical force towards pupil in that he:
 - a. on or around 13 October 2019, shut a door on Pupil C’s foot on one or more occasion;
 - b. on or around 14 November 2019, pushed Pupil D on one or more occasion;
3. On or around 17 July 2019:
 - a. shouted and/or raised his voice to Person E;
 - b. made derogatory remarks about Person E in front of colleagues including calling her “that fucking woman” and/or a “bitch” or words to that effect.

Mr Wall has not admitted either the alleged facts or that he is guilty of unacceptable professional conduct or conduct that may bring the profession into disrepute.

Preliminary applications

Application to proceed in absence

The panel considered whether this hearing should continue in the absence of the teacher.

The panel was satisfied that TRA has complied with the service requirements of paragraph 19.a to 19.c of the Teachers’ Disciplinary (England) Regulations 2012, (the “Regulations”).

The panel was also satisfied that the Notice of Proceedings complied with paragraphs 4.11 and 4.12 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession (April 2018), (the “Procedures”).

The panel determined to exercise its discretion under paragraph 4.29 of the Procedures to proceed with the hearing in the absence of the teacher.

The panel took as its starting point the principle from *R v Jones* that its discretion to commence a hearing in the absence of the teacher had to be exercised with the utmost care and caution, and that its discretion was a severely constrained one. In considering the question of fairness, the panel recognised that fairness to the professional is of prime importance but that it also encompasses the fair, economic, expeditious and efficient disposal of allegations against the professional, as was explained in *GMC v Adeogba & Visvardis*.

In making its decision, the panel noted that the teacher may waive his right to participate in the hearing. The panel took account of the various factors drawn to its attention from the case of *R v Jones* [2003] 1 AC 1.

- i) On the last occasion that contact was established with Mr Wall on 18 August 2020, he stated that he had retired and there was nothing he could provide in response to the allegations, and that he did not wish to provide a written statement. The panel was satisfied that the Notice of Proceedings had been sent to Mr Wall's last known address since that address corresponded with that held on record by the Teachers' Pension service. Furthermore, a second copy of the Notice of Proceedings was sent to Mr Wall on 13 April 2023, to the same address as that used for service of the Notice of Proceedings. That letter of 13 April 2023 was sent by special delivery and the Royal Mail proof of delivery states that the letter was signed for by "Wall". Mr Wall had not responded to communications sent to him either by post or by email in connection with this hearing, nor had he answered a phone call made to the number used to contact him on 18 August 2020. The panel therefore considered that Mr Wall had waived his right to be present at the hearing in the knowledge of when and where the hearing is taking place.
- ii) There was no suggestion that Mr Wall would attend a hearing at a future date if the hearing was adjourned.
- iii) Mr Wall had not instructed anyone to represent him at this hearing. He has not expressed any wish for the hearing to be adjourned in order to obtain legal representation.
- iv) The panel had the benefit of notes made of Mr Wall's responses to the allegations during the School's investigations and is able to ascertain the lines of defence. The panel noted that witnesses were to be called to give evidence and the panel could test that evidence in questioning those witnesses,

considering such points as are favourable to the teacher, as were reasonably available on the evidence. The panel was also able to exercise vigilance in making its decision, taking into account the degree of risk of the panel reaching the wrong decision as a result of not having heard the teacher's account.

- v) The panel noted that Mr Wall has not communicated any reason for his non-attendance. The panel recognised there was a risk that the position may have changed since the last communication was established with him on 18 August 2020, but Mr Wall had not made any subsequent contact with the TRA or the presenting officer in this respect.
- vi) The panel recognised that the allegations against the teacher are serious and that there was a real risk that if proven, the panel was required to consider whether to recommend that the teacher ought to be prohibited from teaching.
- vii) The panel recognised that the efficient disposal of allegations against teachers is required to ensure the protection of pupils and to maintain confidence in the profession. The conduct alleged was said to have taken place whilst the teacher was employed at the School. The School would likely have had an interest in this hearing taken place in order to move forwards.
- viii) The panel also noted that there were five witnesses who were prepared to give evidence, and that it would be inconvenient for them to return again. Delaying the case further may have impacted upon the memories of those witnesses, and the panel noted that some considerable time has already passed since the matters alleged are said to have occurred.

The panel decided to proceed with the hearing in the absence of the teacher. The panel considered that in light of:

- the teacher's waiver of his right to appear;
- by taking such measures referred to above to address that unfairness insofar as is possible;
- taking account of the inconvenience an adjournment would cause to the witnesses; and
- these were serious allegations and there was a public interest in this hearing proceeding within a reasonable time.

On balance, the panel decided to continue with the hearing in Mr Wall's absence.

Application to rely upon hearsay evidence

The presenting officer applied to admit a witness statement of Person E who was not to be called to give evidence, as she was unwilling to attend. She was the subject of the matters alleged at allegation 3, and her evidence was therefore relevant.

Person E was unwilling to attend the hearing, stating that this was due to the teacher's behaviour towards her, and her concern about potential repercussions for her if she attended a hearing and a finding was made against Mr Wall.

The panel considered whether it was fair, in the circumstances, for this absent witness's evidence to be admitted, without the opportunity for the witness to be cross-examined regarding her evidence. The panel noted that Mr Wall was not present, and that had Person E been present, the panel would have asked questions regarding such points as were favourable to Mr Wall as were reasonably apparent on the evidence.

The panel noted that there were three other witnesses to be called to give oral evidence who stated that they witnessed elements of the matters alleged in allegation 3. Those witnesses were available to answer questions asked of them by the panel.

The panel noted that efforts had been made to secure the attendance of Person E, but was not convinced that the reason Person E gave for her non-attendance was a satisfactory one. There was no evidence that would suggest that Mr Wall poses any risk to Person E if a finding was made against him. The panel noted that even though there was no good reason for the non-attendance of the witness, this does not automatically result in the exclusion of the evidence.

The panel had regard to the seriousness of the allegations in this case, and that it was open to the panel to recommend prohibition in this case if the allegations were found proven.

The panel also noted that advance notice of the application to rely upon hearsay evidence had been given to Mr Wall on 29 March 2023 and he had made no representations in respect of it. Mr Wall had significant advance notice of the witness's evidence, since the presenting officer stated that Person E's statement was disclosed on 24 November 2021.

The panel exercised caution in deciding this application given that it had decided to proceed with this hearing in the absence of Mr Wall.

The panel decided that, on balance, it was fair for the presenting officer to rely upon the evidence of this witness. Whilst the panel did not consider that Person E had a good reason not to attend, Mr Wall had had advance notice of the application to admit her

evidence and had not objected to it. Other evidence was available in relation to the allegation such that the absent witness's evidence was not the sole or decisive evidence. The evidence related to only one of the allegations. The panel decided that there were sufficient safeguards to protect the teacher against any unfairness caused. The panel were to be provided with a hearsay warning from the legal adviser in due course, and the panel was able to determine what weight, if any it should attach to the evidence.

The panel acceded to this application.

Application to amend allegations

The Notice of Proceedings dated 28 February 2023 contained an error in allegations 1.a and 1.b, in that the words alleged referred to the wrong pupil. The presenting officer applied to amend the allegation to correct this error. The presenting officer informed Mr Wall by email on 19 May 2023 of her intention to apply to make this amendment, and no response had been received. The panel considered that the amendment was a typographical one. The error had previously been noticed and Mr Wall informed of it on 27 January 2021, albeit the error was repeated in the Notice of Proceedings. Given that Mr Wall had been aware of the correct allegations between 27 January 2021 and 28 February 2023, and had not responded to the allegations during that time, the panel did not consider Mr Wall would have presented his case differently had the Notice of Proceedings referred to the correct pupil. It was apparent from the evidence contained within the hearing bundle to which pupil each sub-allegation should relate.

The panel acceded to this application.

Summary of evidence

Documents

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

Section 1: Chronology, and anonymised pupil list and list of key people – pages 4 to 7

Section 2: Notice of Referral, Notice of Proceedings and responses – pages 8 to 39

Section 3: Teaching Regulation Agency witness statements – pages 40 to 107

Section 4: Teaching Regulation Agency documents including 2 CCTV footage files – pages 108 to 222

In addition, the panel agreed to accept a 14 page bundle relating to the service of the Notice of Proceedings and the proceeding in absence application. The panel also accepted an unredacted copy of the Notice of Proceedings, a telephone attendance note

of a call with Mr Wall dated 18 August 2020, and an email of 19 May 2023 to Mr Wall regarding the presenting officer's intended application to amend the allegations.

The panel members confirmed that they had read all of the documents within the bundle and viewed the CCTV footage in advance of the hearing as well as the additional documents that the panel decided to admit.

Witnesses

The panel heard oral evidence from:

1. Witness A, [redacted];
2. Witness B, [redacted];
3. Witness C, [redacted];
4. Witness D, [redacted]; and
5. Witness F, [redacted]

all called by the presenting officer. Each of the witnesses worked at the School at the time of the matters alleged.

Decision and reasons

The panel announced its decision and reasons as follows:

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

In July 2016, Mr Wall commenced working at Hambleton and Richmondshire Pupil Referral Service ("the School"). [Redacted]. Following an investigation by the School of Mr Wall's alleged conduct, his employment at the School was terminated as from 3 February 2020.

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:

Whilst employed as a teacher at Hambleton and Richmondshire Pupil Referral Service, you:

- 1. Between around 1 February 2019 and 14 March 2019, used inappropriate language towards and/or in the presence of pupils, including:**
 - a. using the word "fanny" when referring to and/or speaking to Pupil A;**

Witness C gave evidence that he had been stood in the main corridor near to the science room and could hear shouting coming from the English corridor. He stated that, when he entered the corridor, he could see Pupil A screaming at Mr Wall and being abusive towards him. He stated that Pupil A had started to walk away from Mr Wall, and as she did, Mr Wall stated, “stop being a fanny”. In oral evidence, Witness C stated that he thought Mr Wall had believed Pupil A had gone through the doors at the bottom of the corridor at the time that he said this.

Witness B who was the tutor for pupil A also gave oral evidence. She stated that she had taken Pupil A to her class, Pupil A had become frustrated and left. Witness B stated that she had finished what she was doing in the classroom and left to return an item to the maths room. On her return, she stated that Mr Wall had been in the corridor, and that she heard him call Pupil A a “fanny”. She thought that Pupil A had started to head out of the corridor as this was said. She stated that she then took A out of the corridor, to remove her from the situation as Pupil A was becoming upset.

The panel noted that the two witness accounts were consistent.

Mr Wall was asked about this incident in an investigation meeting with the School on 5 April 2019. The notes record: “What was said was in exasperation: “Oh my God, what a “f” but didn’t use the word.”

The panel considered that that the two witness accounts were consistent and that it was more likely than not that Mr Wall had used the word “fanny” to refer to Pupil A. This was an inappropriate word to use in the presence of Pupil A, since it failed to treat her with dignity.

The panel found this allegation proven.

b. saying “don’t be a faggot” or words to that effect to Pupil B;

No witness statement produced for the purpose of these proceedings was provided by any witness to this allegation. However, the notes of a meeting with Mr Wall on 15 March 2019 record that he was asked about this incident and state that Mr Wall laughed when asked about it. The notes record that Mr Wall was told that “faggot” could be considered to be a homophobic term and Mr Wall denied this, saying that was not what he meant, and that it had been a joke. The notes of a meeting held on 5 April 2019 as part of the School’s investigation stated that Mr Wall had stated that he had tried to attune with Pupil B, to re-energise him and had said “don’t be a faggot”. Mr Wall stated he had not been aware of any connotation until he looked it up later, and that his understanding of the meaning of the word was “reticent in doing something”.

The panel considered that these meeting notes had established a prima facie case for Mr Wall to answer. The panel noted that Mr Wall had been given appropriate notice and warning that an adverse inference may be drawn by the panel if he failed to engage in proceedings, and to provide an account in response to the allegations against him either

by way of a written statement or attendance at this professional conduct panel hearing. Mr Wall had declined to do so. The panel considered that there were no other circumstances that would make it unfair to draw an adverse inference against him. The panel therefore decided to draw an adverse inference that Mr Wall had no reasonable explanation in response to the allegations against him.

The panel found that Mr Wall had said the words alleged to Pupil B and that this was inappropriate language to use towards a pupil.

The panel found this allegation proven.

2. Used inappropriate physical force towards pupil in that you:

b. on or around 14 November 2019, pushed Pupil D on one or more occasion;

The panel viewed CCTV footage of this incident. The panel observed that there appeared to be an incident in the doorway of the common room in which Mr Wall blocked Pupil D from leaving. Pupil D retreated back into the room. Mr Wall followed Pupil D. Pupil D threw some crisps, and in a continuous action following his pursuit of Pupil D into the room, Mr Wall pushed Pupil D.

The panel watched the CCTV footage with Witness C who had been present in the room and had witnessed the incident. Witness C stated that Pupil D had been trying to leave the common room carrying food, and that it was not permitted for pupils to take food from the room. Witness C gave examples of other actions that had been available to Mr Wall other than pursuing Pupil D into the room and pushing him. Mr Wall could have left the room to call for further assistance, so that a fresh face could be brought in, or he could have allowed Pupil D to leave the room.

Witness C gave evidence that [redacted] had expected physical intervention to be used more frequently than had previously been the case. Witness D, did not support that there had been such a change in ethos. Even if there had been a change in management styles, as a professional, who had undergone Team Teach training, Mr Wall ought to have known the circumstances in which physical intervention was appropriate. Witness A ([redacted]) stated that physical intervention could only be used in three circumstances – if the pupil is putting themselves at risk, someone else at risk, or if they were committing a criminal offence. The action in pushing Pupil D within the common room was not a restraint, nor was there any indication that this was justified. When Pupil D retreated away from the door through which he was seeking to leave, Mr Wall had the opportunity to pause and consider his next actions.

In the circumstances, the panel found that Mr Wall had pushed Pupil D and that this was the use of inappropriate physical force.

3. On or around 17 July 2019:

a. shouted and/or raised your voice to Person E;

Witness C gave evidence that he had been stood by the doors at the bottom of the main corridor outside the art room with Mr Wall. He stated that Person E came through the doors at the bottom of the corridor and asked Mr Wall for support with a student. He stated that Mr Wall responded by saying “how dare you speak to me like that”. At the time, this witness was interviewed by Witness A, who made a note that Witness C had described Mr Wall’s tone as angry. This witness explained that these were not his words, and that he would not necessarily describe Mr Wall’s tone as angry but that Mr Wall’s reaction had come from nowhere. He stated that, soon after this, he had been stood in the main corridor and Person E was walking down the corridor towards Mr Wall. He then observed Mr Wall saying to Person E “are you going to speak to them like you just spoke to me?” This witness could not remember which members of staff that Mr Wall was referring to. He stated that Person E and Mr Wall began walking up the corridor towards the staffroom, that he could see that Person E was trying to calm the situation down and Mr Wall still seemed to be upset.

Person E provided a written statement which the panel had decided to admit for the reasons referred to above. The panel was cautious regarding the weight to attach to it, given that Person E had not been called to give oral evidence. Her witness statement stated that she had been in the process of “wandering” down students using a hand held metal detector, at the end of break, to check the pupils before they could be permitted through the door to re-enter the School. She stated that Mr Wall and the vocational instructor had been waiting for students to come through and that a student had pushed passed without going through the security check. She stated that she knew that Mr Wall was teaching this student next and called out “somebody help me, this student has not been wanded down”. She stated that Mr Wall responded by saying “who do you think you are ordering me about.” She stated that he did not shout but sounded annoyed and used a raised voice. She stated that she did not consider his response was proportionate to what Mr Wall had said. She said that Witness C had witnessed this happen. At the end of period 3, she had been stood in the corridor outside her classroom and Mr Wall was walking down the corridor. She stated that she had wanted to sort things out with him. Before she could say anything, Mr Wall came close to her and shouted at her. She could not remember specifically what he said, only that it came across as “pretty aggressive”.

The panel noted that Person E’s account was consistent with that of Witness C, and the panel could therefore attach some weight to her evidence. Both witnesses described Mr Wall’s reaction as being unexpected, having come from nowhere.

The notes of a meeting held on 18 July 2019 that took place as part of the School’s investigation, state that Mr Wall had said that the way Person E had been talking to him was shocking. This was not consistent with the evidence of all of the witnesses who described Person E as being a staff member that it was easy to get along with. Mr Wall stated that he had been angry after the incident. The notes of a further investigation meeting held on 5 November 2019 state that he had been affronted by what he described as Person E’s “cold command”, that he had been “furious [redacted]”. He stated that he

was frustrated and verbally exploded as he was [redacted]. The panel noted that Mr Wall had signed the notes of an investigation interview of 28 November 2019 in which he confirmed that he had no amendments to the notes of the meeting “from last time”. The panel believed that to be a reference to the notes of the meeting held on 5 November 2019.

The panel considered that given the consistency of the evidence of Witness C and Person E, taken together with the evidence of Mr Wall’s state of mind as he referred to in the investigation meetings, it was more likely than not that he had raised his voice to Person E.

The panel found allegation 3.a proven.

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

2. Used inappropriate physical force towards pupil in that you:

a. on or around 13 October 2019, shut a door on Pupil C’s foot on one or more occasion;

Witness A, [redacted], gave evidence that, on 13 September 2019, she had encountered Mr Wall blocking a doorway, and pulling the door repeatedly onto Pupil C’s foot. The panel considered that it was likely that Mr Wall had acted in the manner described, since it was behaviour consistent with Mr Wall’s behaviour observed by the panel in the CCTV footage in respect of the incident involving Pupil D as referred to in allegation 2.b. On both occasions, Mr Wall blocked a doorway to prevent a pupil from passing through it.

The panel has seen the notes of the School’s investigation meeting with Pupil D of 5 November 2019 in which Mr Wall was asked about the incident. Mr Wall stated that he had been on duty and following the School’s procedures around putting their property into lockers, followed by being “wanded down”. The panel understood that this was to ensure no metallic items could be brought into the School that were prohibited. As referred to above, Person E had described the process in her written statement. Mr Wall stated that Pupil C had arrived at the door, and sought to put his hand around the door, swearing at Mr Wall. Mr Wall explained that it had been his priority to have the door closed.

The panel considered that, on this occasion, the decision whether to physically intervene was for the professional judgement of Mr Wall. As referred to above, Witness A stated that physical intervention could only be used in three circumstances – if the pupil is putting themselves at risk, someone else at risk, or if they were committing a criminal offence. Since the process of “wandering down” a pupil before entering the School appeared to be for the purpose of preventing items being brought into the School that were prohibited, a person carrying such an item that had not been detected could put someone within the School at risk. It was therefore a matter for Mr Wall, exercising his

judgement whether any harm could come to Pupil C by his actions and weighing that against the risk of someone entering the School with a prohibited item, that could potentially be used to harm others. The panel did not hear sufficient evidence to persuade it that Mr Wall's actions were inappropriate on this occasion.

The panel found this allegation not proven.

3. On or around 17 July 2019:

b. made derogatory remarks about Person E in front of colleagues including calling you “that fucking woman” and/or a “bitch” or words to that effect.

Witness F, [redacted], gave evidence that on 17 July 2019, she had heard Mr Wall saying the word “bitch” in an angry tone, having entered the staffroom where she was located. She did not know who Mr Wall was talking about at the time. She stated that it was only after the incident happened that she was told that he had been talking about Person E, and could not recall who had informed her of this.

Witness D gave evidence that Mr Wall had come into the staffroom and passed her desk saying “that fucking woman” and that he was upset and angry. She stated that she had no context for what had happened, and did not know who he was talking about. She stated that it had become obvious who he was referring to later on at the end of day staff briefing, when she heard that there had been an incident between Person E and Mr Wall.

The panel did not consider that a prima facie case had been made out that Mr Wall had been talking about Person E when he used the words alleged. Neither witness knew who Mr Wall was talking about, nor given the passage of time, could they recall specifically who had provided information that suggested a link to the incident with Person E.

The panel found this allegation not proven.

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

Having found a number of the allegations proved, 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 Wall, in relation to the facts found proved at allegation 1, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Wall 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.

The panel was satisfied that the conduct of Mr Wall, in relation to the facts found proved at allegation 2.b, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Wall was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
- Teachers must have 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 Wall, in relation to the facts found proved at allegation 2.b, involved breaching the duty to safeguard and promote the welfare of children as set out in Keeping Children Safe In Education ("KCSIE").

The panel was satisfied that the conduct of Mr Wall, in relation to the facts found proved at allegation 3.a, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mr Wall 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
 - ... building relationships rooted in mutual respect...;
 - showing tolerance of and respect for the rights of others.

The panel also considered whether Mr Wall's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. The panel found that none of these offences was relevant to any of the allegations found proven.

The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be unacceptable professional conduct. The panel considered that Mr Wall's use of force against Pupil D was unwarranted.

The panel considered whether there were circumstances applicable at the time that would have explained Mr Wall's actions. Mr Wall followed Pupil D back into the room and

pushed him, indicating that his actions were deliberate. There was evidence of pressures that Mr Wall was experiencing around this time [redacted]. The panel accepted that Mr Wall was experiencing personal difficulties at the time. The management of pupils who exhibited challenging behaviours, such as Pupil D, was a matter that Mr Wall was expected to deal with routinely in the environment of a pupil referral unit. As a teacher, trained in Team Teach techniques he ought to have recognised when physical intervention was warranted.

The panel was satisfied that the conduct of Mr Wall in relation to his conduct found proven at allegation 2.b fell significantly short of the standard of behaviour expected of a teacher.

Although Mr Wall's conduct found proven at allegation 1 and 3.a was unprofessional and breached Teachers' Standards, the panel did not consider this conduct considered individually or cumulatively fell significantly short of the standard of behaviour expected of a teacher.

Accordingly, the panel was satisfied that Mr Wall was guilty of unacceptable professional conduct, but only in respect of his conduct at allegation 2.b.

The panel went on to consider whether Mr Wall was guilty of bringing the profession into disrepute.

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils 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.

In considering the issue of disrepute, the panel also considered whether Mr Wall's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that none of these offences was relevant.

The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute".

The panel did not consider that Mr Wall's conduct at allegation 1 or 3.a considered either individually or cumulatively could potentially damage the public perception. The panel was of the view that the public would recognise the particular pressures of working in a pupil referral service. Whilst it may consider Mr Wall's actions to be unprofessional, it was not sufficiently serious to potentially damage the public's perception of a teacher or to have any particular influence upon the pupils.

The panel did, however, consider that Mr Wall's conduct at allegation 2.b could potentially damage the public's perception of a teacher. The public would not expect physical contact to be made with a pupil that was unnecessary and unwarranted. Exerting physical force in this way had the potential to influence the behaviour of Pupil D, pupils that were in the vicinity and pupils who may have become aware of the incident.

The panel therefore found that Mr Wall's actions constituted conduct that may bring the profession into disrepute in respect of the conduct found proven at allegation 2.b.

Having found the facts of particulars 2.b proved, the panel further found that Mr Wall's conduct in that respect only amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order is appropriate, the panel had to consider the public interest, the seriousness of the behaviour and any mitigation offered by Mr Wall and whether a prohibition order is necessary and proportionate. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious finding of the use of inappropriate physical force against a pupil.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Wall 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 Wall was outside that which could reasonably be tolerated.

In this case, the panel considered that the adverse public interest considerations above outweighed any interest in retaining Mr Wall in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher.

The panel considered carefully the seriousness of the behaviour, noting that the Advice states that the expectation of both the public and pupils is that members of the teaching profession maintain an exemplary level of integrity and ethical standards at all times.

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards; and
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk.

Even though the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach, the panel went on to consider the mitigation offered by the teacher and whether there were mitigating circumstances.

Mr Wall's actions were deliberate.

There was no evidence to suggest that Mr Wall was acting under extreme duress, e.g. a physical threat or significant intimidation, however, the panel did accept that he was experiencing significant personal difficulties at the time. As referred to above, Witness C told the panel about difficulties Mr Wall was experiencing in his personal life during the time of these incidents. He stated that he did not believe that Mr Wall was being supported enough by management during these difficulties. Witness A confirmed that all of the staff were very shaken [redacted] but that Mr Wall had found this particularly difficult because there were outstanding allegations involving Pupil A that the School had not addressed until [redacted]. Witness A also confirmed that Mr Wall had mentioned that [redacted], that he had been reluctant to talk about this. Witness A explained the support put in place for the school community following [redacted], and when she became aware that [redacted]. It was apparent to the panel that Mr Wall was continuing to struggle during this time, as there were periods in which he was absent from work.

Witness C also stated that Mr Wall was taking a lot from the pupils at the School and had become a target. He referred to Mr Wall being "lovely with the pupils and would have done anything for them". The panel accepted that Mr Wall was working in a challenging environment, accepting pupils that had been excluded from their mainstream schools. Mr Wall was an unqualified teacher and his application form for the post at the School

indicated that his previous experience of teaching consisted of a series of fixed term contracts. No doubt, Mr Wall's actions immediately followed a confrontation in which Pupil D had been within Mr Wall's personal space, but Mr Wall re-acted in a disproportionate manner.

Mr Wall did have a previously good history, but there was no evidence that he had demonstrated exceptionally high standards in both his personal and professional conduct or that he had contributed significantly to the education sector.

The panel saw evidence that showed Mr Wall was previously subject to a disciplinary warning, albeit this related to the matters referred to in allegation 1 and related to the language used by Mr Wall, rather than his use of physical force.

Mr Wall did not adduce any testimonial statements attesting to his character or his ability as a teacher.

Although this incident happened in 2019, the panel has seen no evidence that Mr Wall has subsequently reflected upon his conduct, what he might have done differently, and how to manage pressures that may have had an impact upon him. In the notes of the interview with Mr Wall that followed the incident involving Pupil D, Mr Wall did not accept that he ought to have acted differently. No remorse was expressed by Mr Wall. The panel could not therefore have any confidence that Mr Wall would act differently if confronted with a similar situation.

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 Wall 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 Wall. The absence of any evidence of insight or remorse was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel 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 cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of not offering a review period. None of those cases was relevant to Mr Wall's conduct.

The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. None of those cases was relevant to Mr Wall's conduct.

Taking account of the mitigating circumstances of the personal difficulties experienced by Mr Wall at the time, and that his use of force occurred within the challenging environment of a pupil referral unit where the use of reasonable force may be more commonly encountered than in mainstream education, the panel considered 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 provision 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 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 also found some of the allegations not proven and that some proven facts do not amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. I have therefore put all those matters entirely from my mind.

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

In particular, the panel has found that Mr Wall 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.
- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by

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

The panel was satisfied that the conduct of Mr Wall, in relation to the facts found proved at allegation 2.b, involved breaching the duty to safeguard and promote the welfare of children as set out in Keeping Children Safe In Education ("KCSIE").

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

The findings of misconduct are particularly serious as they include a finding of use of inappropriate physical force towards a pupil.

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 Wall, 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 and safeguard pupils. The panel has observed, "There was a strong public interest consideration in respect of the safeguarding and wellbeing of pupils, given the serious finding of the use of inappropriate physical force against a pupil." 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, "Although this incident happened in 2019, the panel has seen no evidence that Mr Wall has subsequently reflected upon his conduct, what he might have done differently, and how to manage pressures that may have had an impact upon him. In the notes of the interview with Mr Wall that followed the incident involving Pupil D, Mr Wall did not accept that he ought to have acted differently. No remorse was expressed by Mr Wall. The panel could not therefore have any confidence that Mr Wall would act differently if confronted with a similar situation." 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 Wall 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 Wall himself. The panel noted that "Mr Wall did have a previously good history, but there was no evidence that he had demonstrated exceptionally high standards in both his personal and professional conduct or that he had contributed significantly to the education sector. I have, however, also noted the panel's comment that. "There was no evidence to suggest that Mr Wall was acting under extreme duress, e.g. a physical threat or significant intimidation, however, the panel did accept that he was experiencing significant personal difficulties at the time." The panel also notes that Mr Wall was working in a "challenging environment" at the time of these events and that it had heard positive evidence as to his work with the pupils at the school. I have given this element some weight in in my considerations.

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

In this case, I have placed considerable weight on the panel's comments concerning the lack of insight or remorse. The panel states that "In the notes of the interview with Mr Wall that followed the incident involving Pupil D, Mr Wall did not accept that he ought to have acted differently. No remorse was expressed by Mr Wall. The panel could not

therefore have any confidence that Mr Wall would act differently if confronted with a similar situation.”

I have also placed considerable weight on the finding of the panel that, “...the behaviour found proved in this case indicated that a prohibition order would be appropriate, taking account of the public interest and the seriousness of the behaviour and the likely harm to the public interest were the teacher be allowed to continue to teach.”

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. In doing so, the panel noted that “The Advice indicates that there are cases involving certain conduct where it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate. None of those cases was relevant to Mr Wall’s conduct.”

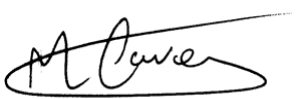
The panel goes on to state that, “Taking account of the mitigating circumstances of the personal difficulties experienced by Mr Wall at the time, and that his use of force occurred within the challenging environment of a pupil referral unit where the use of reasonable force may be more commonly encountered than in mainstream education, the panel considered 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 provision for a review period after 2 years.”

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 Terence Wall 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 7 June 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 Terence Wall remains prohibited from teaching indefinitely.

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

Mr Terence Wall 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.



Decision maker: Marc Cavey

Date: 30 May 2023

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