



Teaching
Regulation
Agency

Mrs Susan Grady: Professional conduct panel outcome

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

June 2023

Contents

Introduction	3
Allegations	4
Preliminary applications	5
Summary of evidence	6
Documents	6
Witnesses	7
Decision and reasons	7
Findings of fact	8
Panel's recommendation to the Secretary of State	18
Decision and reasons on behalf of the Secretary of State	23

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

Teacher:	Mrs Susan Grady
Teacher ref number:	9344208
Teacher date of birth:	16 December 1971
TRA reference:	19735
Date of determination:	16 June 2023
Former employer:	Newlands Junior School, Nottinghamshire

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 13 to 16 June 2023 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mrs Susan Grady.

The panel members were Ms Joanna Hurren (teacher panellist – in the chair), Mr Stephen Chappell (lay panellist) and Mrs Shabana Robertson (lay panellist).

The legal adviser to the panel was Ms Abigail Reynolds of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Louise Ravenscroft of Capsticks LLP solicitors.

Mrs Grady was present and was represented by Mr Nicholas Kennan of Cornwall Street Barristers, instructed by the National Education Union.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations set out in the notice of proceedings dated 3 April 2023.

It was alleged that Mrs Grady was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, whilst a teacher and pastoral support worker at the Newlands Junior School ('the School') she:

1. On 20 November 2020:
 - a) used unreasonable force against Pupil A by:
 - i. holding his left wrist; and/or
 - ii. dragging him; and/or
 - iii. holding him under his arms; and/or
 - iv. pushing him
 - b) did not follow the School:
 - i. behaviour management procedure; and
 - ii. managing risky behaviours procedure
2. By her conduct at (1) above she failed to have regard to the need to safeguard pupils' well-being.

Mrs Grady admitted allegation 1(a)(i) but denied allegations 1(a)(ii) – (iv). Mrs Grady admitted allegations 1(b) and 2.

Preliminary applications

Applications regarding hearsay evidence

Application on day 1 – 13 June 2023

The panel considered a written application from the presenting officer to admit the following hearsay evidence as contained within the bundle:

- a. Notes of a discussion on 22 November 2020 with Pupil A;
- b. Notes of a discussion on 24 November 2020 with Pupil B;
- c. Notes of a discussion on 20 November 2020 with Pupil A's [REDACTED]; and
- d. Notes of a discussion on 24 November 2020 between Individual A, [REDACTED] and Pupil A.

The panel had the benefit of a written response to the application submitted by the teacher's representative. The panel also heard oral submissions on the application from the presenting officer and Mrs Grady's representative. The panel noted that the teacher's representative objected to the admission of the evidence.

The panel was advised that hearsay evidence is admissible in civil proceedings. The panel was aware that, in accordance with paragraph 5.33 of the Teacher misconduct: disciplinary procedures for the teaching profession dated May 2020 ('the Procedures'), the panel may admit evidence which may reasonably be considered to be relevant to the case where it is fair to do so.

The panel was referred to the case of *Thorneycroft v Nursing and Midwifery Council* [2014] (EWCA 155 (Admin)) which set out the relevant principles in respect of the admissibility of hearsay evidence. The panel was further referred to the case of *El Karout v Nursing Midwifery Council* [2019] EWCA 28 (Admin) which provided commentary on circumstances in which certain hearsay evidence may not be admitted. The panel also considered the provisions relevant to hearsay evidence, as set out in the Civil Evidence Act 1995.

In respect of the hearsay evidence relating to Pupil A, Pupil B and Individual A, the panel noted that the documents were prepared solely for the purpose of an investigation by the School into the allegations. The panel was comfortable that this hearsay evidence was not sole and decisive and the panel would be able to test its reliability in the absence of Pupil A, Pupil B and Individual A by questioning other witnesses. The panel considered that the hearsay evidence relating to Pupil A, Pupil B and Individual A was relevant to the case. The panel therefore decided that, on balance, it would be fair to admit this

evidence. However, in the course of its deliberations, the panel recognised this evidence as hearsay and considered the weight that should be placed on it.

However, in respect of Pupil A's [REDACTED], the panel considered the submissions and found that no good reason had been provided as to why Pupil A's [REDACTED] did not provide a formal statement or attend the professional conduct panel hearing in order for her evidence to be tested. The panel also noted that the document was not a formal witness statement (although it was titled as such) but appeared to be a note prepared by Witness B of a telephone conversation between her and Pupil A's [REDACTED]. The conversation consisted of Witness B reporting the incident, and Pupil A's [REDACTED]'s immediate response. This was not a document prepared solely for the purpose of any investigation into the allegations (or a document signed and approved by Pupil A's [REDACTED]). Further, the panel noted that this document referred to allegations which did not form part of the allegations before the panel.

The panel was not satisfied that it would be fair to admit this document as hearsay evidence in the circumstances. The panel decided not to admit this document as evidence.

Application on day 2 (14 June 2023)

On the second day of the hearing, the panel was informed that the TRA's witness, Witness C, [REDACTED], could not be contacted to attend the hearing. The presenting officer therefore made an oral application for Witness C's witness statement to be admitted as hearsay evidence. The teacher's representative did not object to this application.

The panel considered that Witness C's evidence was relevant to the case and noted that the evidence was not disputed. The panel therefore decided to admit this evidence. However, in the course of its deliberations, the panel identified this as hearsay evidence and considered the weight that should be placed on it.

Summary of evidence

Documents

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

- Section 1: Chronology and list of key people – pages 5 to 8
- Section 2: Notice of proceedings and response – pages 9 to 36
- Section 3: TRA witness statements – pages 37 to 85
- Section 4: TRA documents – pages 86 to 295

- Section 5: Teacher documents – pages 296 to 330

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

The panel heard oral evidence from Mrs Grady.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mrs Grady commenced her position as temporary pastoral support worker at the School on 1 September 2018. Mrs Grady applied for the role of Special Educational Needs Coordinator ('SENCO') at the School on 4 March 2019 and commenced her new position as SENCO and part time class teacher on 23 April 2019. At the material time, Mrs Grady taught a [REDACTED] class on a job-share basis from Wednesday lunchtime to Friday afternoon.

On 20 November 2020, Mrs Grady allegedly inappropriately restrained Pupil A by holding his left wrist, dragging him, holding him under his arms and pushing him, thereby failing to follow the School's behaviour and regulation policy and managing risky behaviour policy (hereafter referred to as 'the Incident'). A statement was obtained from Witness B, [REDACTED], who corresponded with the LADO, HR and the Governors regarding the alleged Incident.

Statements were obtained from Witness A, [REDACTED], and Mrs Grady on 20 November 2020. On the same date, Witness B recorded her own account of the Incident and prepared notes of her conversation with Pupil A's parent, [REDACTED], LADO Allegations Officer, [REDACTED], HR at the School and the Chair of Governors.

Accounts were obtained from Pupil A, Pupil B and Witness C.

On 24 November 2020, there was a preliminary meeting between Witness B and Mrs Grady.

An investigatory meeting was conducted on 2 December 2020 by the investigating officer, Individual B, ([REDACTED]), with Mrs Grady and her Trade Union representative, [REDACTED].

A disciplinary meeting was conducted on 4 January 2021 with a panel of Governors, Individual B, a HR representative from the council, Mrs Grady, Mrs Grady's representative and a note taker.

The matter was referred to the TRA on 7 January 2021.

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:

1. On 20 November 2020:

a) used unreasonable force against Pupil A by:

- i. holding his left wrist; and/or**
- ii. dragging him; and/or**
- iii. holding him under his arms; and/or;**
- iv. pushing him;**

Mrs Grady admitted in evidence that, on 20 November 2020, she had used unreasonable force against Pupil A by holding his left wrist. Mrs Grady denied dragging Pupil A, holding him under his arms or pushing him.

The panel noted the witness statement and oral evidence of Mrs Grady, who stated that the Incident on 20 November 2020 involved her taking Pupil A by the wrist to stop him returning to class and causing further disruption and/or potential harm to himself or others. Mrs Grady submitted that this happened after a series of incidents with Pupil A where, as a result of his unpredictable behaviour, Mrs Grady reached the decision that Pupil A should see the headteacher.

Mrs Grady explained that her options in dealing with Pupil A's behaviour were limited by COVID-19 restrictions and the absence of teaching assistants [REDACTED]. Mrs Grady was dealing with the class alone and Pupil A had not received his usual mentoring, which meant that he had not had the chance to read [REDACTED]. Mrs Grady reported that there were reduced opportunities for focused exercise and play.

Mrs Grady believed that what happened was also influenced not only by the above restrictions, but also by her knowledge of Pupil A's previous behaviour and consideration for other [REDACTED] pupils. [REDACTED]. Mrs Grady reported that Pupil A's previous behaviour had included rocking on chairs, banging into/moving tables, throwing items, climbing on the toilet and hitting objects with his fists, meaning that Mrs Grady was concerned that he may hurt himself or others. Mrs Grady reported that Pupil A often showed no understanding of the potential impact of his actions.

Mrs Grady explained the events leading up to the Incident. Pupil A had been very loud after lunch; there was a lot of shouting and disruptive behaviour, which had been ignored by Mrs Grady. He refused to join in with daily calming class breathing and spent the time rocking on his chair instead. Mrs Grady had not commented on Pupil A rocking until it became so extreme that he was knocking the table, making it move and eventually resulting in it squashing into another pupil. Mrs Grady explained to Pupil A that the table would have to be moved because of what had happened to the pupil and to avoid something like that happening again. Pupil A was reluctant but eventually the tables were repositioned.

Mrs Grady reported that Pupil A refused to participate in the lesson and began dribbling water from his bottle and mouth onto the work sheet. Mrs Grady handed him a new worksheet; however, he started copying other pupils' work rather than doing his own work independently. Pupil A began tapping a ruler on the table and scratching the ruler across the desk. Mrs Grady took the ruler off him and placed him on 'miss a break – orange' warning, in line with the School's behaviour management traffic light warning system. Pupil A then began drawing on the whiteboard which was ignored until he began drawing pictures of other children and making loud, rude, comments about them which caused them a great deal of upset.

Pupil A was subsequently sent outside to the shared area due to his behaviour and placed at 'red'. A red warning is the highest level of warning on the School's behaviour management traffic light system that occurs before involving the headteacher. Pupil A began banging on the table and making 'loser' signs through the door. Mrs Grady told Pupil A that he needed to stop and asked if he wanted to watch 'Newsround' with the class, which he refused.

Mrs Grady explained that the class started watching 'Newsround'. Pupil A then started banging on the door, saying he needed the toilet. Pupil A was allowed to go to the toilet, but Mrs Grady reported that Pupil A's poor behaviour continued. Again, Mrs Grady asked if he wanted to watch 'Newsround' with the class, but again he refused. Pupil A was then sent back to the shared area.

Shortly after, Pupil A began drumming on chairs and the table, disturbing Witness A and her class. Both Mrs Grady and Witness A went to the shared area and spoke to Pupil A and explained to him that he needed to stop disturbing both classes. Mrs Grady

explained to Pupil A that the alternative was that he would have to go to see Witness B. Within minutes of Mrs Grady and Witness A returning to their classrooms, Pupil A was banging on the table and chairs again. Mrs Grady went back out to the shared area and told Pupil A that he was going to see Witness B; this was a 'black' warning and the last stage of the behaviour management traffic light system.

Mrs Grady reported that Pupil A got up from his chair independently and initially went towards the office with Mrs Grady. However, as they reached the hall door, Pupil A said he was not going.

Mrs Grady's evidence was that Pupil A stood in the doorway and grabbed hold of the doorframe with his right hand. Pupil A repeated that he was not going and turned to go back into the shared area saying "*I'm going back to class*". Mrs Grady repeated that Pupil A was going to Witness B and she took him by the left wrist with her right hand to stop him going back to class. Mrs Grady submitted that, in her experience, Pupil A had never reacted in such a way and, as such, she became immediately concerned about what Pupil A would do next. Mrs Grady submitted that Pupil A was unpredictable and could do things to harm himself or other pupils without thinking. Mrs Grady stepped forward into the hall and shouted for someone to get help. Mrs Grady submitted that Witness C came towards her to clarify what she needed.

Mrs Grady reported that Witness C had requested Witness B to assist, who subsequently came to the area with Individual B.

Mrs Grady submitted that she was distressed at the end of the school day and discussed the incident with Witness A. Mrs Grady alleged that she told Witness A that there had been an incident with Pupil A and she responded by saying "*you didn't have a choice*" and "*if I was worried about your handling of him I would have said something*". Mrs Grady submitted that Witness A also stated that "*he is a naughty boy who won't do as he is told*". The panel noted that, during her oral evidence, Witness A admitted that she had a conversation with Mrs Grady who was upset but denied saying the words as alleged by Mrs Grady.

Witness A explained that Pupil A was "*a challenge*" but many pupils at the School could be difficult. Witness A described Pupil A as "*manipulative*" and he would try to embroil teachers into an argument. She also described Pupil A as [REDACTED].

Witness A reported that, on 20 November 2020, her classroom door was closed, as was Mrs Grady's. Witness A's door has a glass panel which allowed her to see Pupil A tapping a ruler on a table and being disruptive in the area between the two classrooms. Witness A went out to Pupil A and said to him words to the effect of "*you have been sent out for a reason, you need to stop that please as you are disturbing other classes*" and Pupil A stopped tapping.

Witness A's evidence was that she did not know what led to Mrs Grady then coming out of her classroom, but explained that Mrs Grady had told Pupil A why he had been sent out of the classroom and what he had been doing, which then turned into an argument of Pupil A saying "*no I didn't*" and Mrs Grady saying "*yes you did*".

Witness A submitted that she told Mrs Grady that she needed to go back to her classroom and leave Pupil A to have time to think. Witness A then returned to her classroom. However, Witness A did hear loud voices again and then "*glanced*" through the classroom door into the shared area. In oral evidence, Witness A confirmed that she was at that point around two metres away from her door facing her class, and only glanced through the door for two or three seconds. Witness A reported that she saw Mrs Grady "*drag*" Pupil A through the door in the shared area into the hall by his arm whilst he was holding onto the doorframe.

Witness A stated that at this point Mrs Grady appeared to be stressed and angry. Pupil A did not appear to be distressed but did seem determined not to let go of the door. Witness A admitted that she did not hear anything being said as her pupils were playing glockenspiels. Witness A walked towards the door of her classroom; however, as she saw Witness B and Individual B arrive, she did not leave her classroom.

The panel noted the witness statement and heard oral evidence from Witness B, who confirmed that Mrs Grady received significant and appropriate training relating to subjects such as coping with and managing risky behaviours, physical intervention and safe handling of pupils and the School's behaviour policy. Witness B noted that Mrs Grady had also been trained in 'Team Teach' and suggested that there were several options available to Mrs Grady using techniques arising from that training that were an alternative to the use of physical restraint.

[REDACTED]

Witness B was made aware of Pupil A's unacceptable behaviour by both Mrs Grady and Individual C, who taught Pupil A from Monday to Wednesday lunchtime. To calm and manage Pupil A's behaviour, Pupil A [REDACTED].

Three days prior to the Incident, physical restraint was used on Pupil A. The physical restraint was performed by a member of staff, Individual D, at the request of Witness A. The panel noted that documentary evidence showed that Witness A had requested that Pupil A be physically removed from the classroom as he was "*being disruptive in close reading*" and he had refused to leave the group after being asked. It was reported that Individual D held Pupil A's underarm and by the elbow to guide Pupil A away from others, which Pupil A did calmly and without further incident.

Witness B reported that, on the date of the Incident, Witness C came into her office and said that Mrs Grady needed her urgently. Witness B went to the [REDACTED] classroom,

which she explained is just off the hall and has a shared area between it and the classroom next to it which is visible from the dining room. Mrs Grady was stood in the entranceway of the [REDACTED] classroom and Pupil A had moved towards the hall. Mrs Grady told Witness B that Pupil A had had been drumming on the table with his fingers and that she “*needed him out*”. Witness B expected Pupil A to be angry or out of control; however, she reported that he was calm and seemed to find the situation amusing. Witness B asked Pupil A to come with her and he did so calmly.

Once in Witness B’s office, she asked Pupil A why he had been sent out of class and he replied “*because of her*”, which Witness B understood to mean Mrs Grady. Witness B asked Pupil A what he meant by this and he replied “*she always hurts me*”. Witness B asked Pupil A in what way and he said “*she pinches me when she asks me to go out of the classroom and I say no*”. Pupil A also said that Mrs Grady grabs him, pinches him hard and that “*it hurts*”. Witness B asked Pupil A where Mrs Grady did this, and he said on the wrist, which he showed Witness B and she could see it was red at the time. Witness B conceded during her oral evidence that she had not clarified what Pupil A meant by his words and did not explore the meaning of those words further.

Witness B reported that Mrs Grady told her that Pupil A had had a difficult day and said the same as Pupil A in that he had been drumming his fingers on the desk, she had asked him to go outside the classroom which he refused but she “*had to get him out*”.

Witness B reported that Witness A informed her at the end of the day that she had come to her classroom door at this point to see what was happening and saw that Pupil A was holding on to the doorframe and that Mrs Grady was trying to “*drag him off*” and push him into the hall.

After Witness B spoke with Mrs Grady, she returned to her office to speak with Pupil A again, who said that he was messing around in class when Mrs Grady said to him “*get out*”. Pupil A reported that “*she grabbed me here*” and showed Witness B his left wrist. Pupil A said that he told Mrs Grady “*no*” and she squeezed his wrist hard.

Witness B reported that Pupil A said that when he was in the outside area Mrs Grady “*grabbed him and picked him up*”. Pupil A said that Mrs Grady had grabbed him by the wrist and moved him as far as the door; he was holding onto the doorframe whilst Mrs Grady was trying to “*drag*” him. Pupil A saw Witness A come to her classroom door and heard Mrs Grady asking Witness C to notify Witness B. Pupil A’s last words to Witness B before leaving the office were “*if she says no she is lying*”.

Witness B notified the LADO who informed her to seek HR advice. The LADO also advised that Mrs Grady should not be alone in a classroom with any children. Witness B also spoke with Pupil A’s parent.

The panel was also provided with photographs taken by Witness B of Pupil A's wrist which Witness B confirmed were taken between 45 minutes and one hour after the Incident. The panel noted that Pupil A's wrist was red in the photographs, indicating an injury to Pupil A.

The panel noted that Mrs Grady admitted allegation 1(a)(i) and found that there was contemporaneous evidence that Mrs Grady had held Pupil A's wrist.

The panel was referred to the Education and Inspections Act 2006 and the Department for Education's use of reasonable force guidance. Whilst the panel took into account the use of reasonable force guidance, it noted that it was non-statutory guidance.

The panel noted that, in accordance with s93(1) of the Education and Inspections Act 2006, teachers are permitted to use "*such force as is reasonable in the circumstances*".

The panel noted the photographs taken by Witness B and considered that the photographs showed a sufficiently serious reaction to Mrs Grady's grip. The panel considered that this indicated that the force used by Mrs Grady was not reasonable in the circumstances, particularly given that the restraint was for the purpose of avoiding disruption and there was no evidence of imminent danger to Pupil A or others. The panel therefore found allegation 1(a)(i) proven.

In respect of allegations 1(a)(ii - iv), the panel noted that Mrs Grady denied the allegations. The only witness to the use of physical force by Mrs Grady on Pupil A that was present to give oral evidence at the hearing was Witness A and the panel attached limited weight to the notes taken of the conversations with both Pupil A and Pupil B. However, in respect of Witness A, the panel noted that she had only seen a small part of the Incident for a matter of two or three seconds, that she was several metres away from the Incident and that she only viewed the Incident through a very small glass panel in a door.

The only other documentary evidence provided as to allegations 1(a)(ii) to (iv) was provided by Pupil A and Pupil B in the form of typed notes prepared by Witness B. It was confirmed that the notes were not fully clarified or tested either throughout the investigation process or for the purpose of this professional conduct panel hearing.

In respect of allegation 1(a)(ii), Mrs Grady's evidence was that she was not dragging Pupil A, and that it would not have been possible given [REDACTED] and the geographical location where the Incident took place. Mrs Grady's evidence is that Pupil A was pulling against her. Mrs Grady made a small concession that there may have been some resistant force whilst she was holding Pupil A's wrist, but that this did not amount to her "*dragging*" Pupil A.

The panel accepted Mrs Grady's recollection of her version of events. Mrs Grady had a detailed recollection which had an internal consistency. The panel was not presented with any compelling evidence to the contrary.

The panel considered therefore that, on the balance of probabilities, there was insufficient evidence to show that Mrs Grady dragged Pupil A.

In respect of allegation (iii), Mrs Grady submitted that it would not have been possible for her to lift Pupil A under the arms. Mrs Grady submitted that she was holding open a heavy fire door with her body weight and, given [REDACTED], it would have been impossible to hold this open and drag a child through the door at the same time. The panel noted that Witness B expressed doubts as to Mrs Grady's ability to pick up Pupil A [REDACTED]. The panel considered therefore that, on the balance of probabilities, there was insufficient evidence to show that Mrs Grady lifted Pupil A under the arms.

In respect of allegation 1(a)(iv), Mrs Grady denied pushing Pupil A. Mrs Grady's account was that, in order to have spoken to Witness C, she must have been in the entrance of the hall. It would therefore have been impossible for her to be behind Pupil A pushing him. Mrs Grady further reiterated that Pupil A was [REDACTED] and that it would have been impossible to push him. The panel accepted Mrs Grady's account on this point. The panel considered therefore that, on the balance of probabilities, there was insufficient evidence to show that Mrs Grady pushed Pupil A. The panel therefore considered that, on the balance of probabilities, allegations 1(a)(ii) to (iv) were not proved.

The panel found allegation 1(a)(i) proven but allegations 1(a)(ii) to (v) not proved.

b) did not follow the School:

- i. behaviour management procedure; and**
- ii. managing risky behaviours procedure;**

Mrs Grady accepted that her handling of the incident was wrong. She submitted that she had been following the traffic light system but involving the headteacher was perhaps not the correct course of action. Mrs Grady was conscious of trying to support Pupil A's needs by clearly explaining what he needed to do and why, as well as giving him opportunities to put his previous behaviour behind him and re-join his peers. Mrs Grady explained in her oral evidence that she was concerned that, by strictly applying the School's behaviour management procedure, Pupil A could be out of the classroom every day as early as morning registration. Mrs Grady submitted that she was concerned that Pupil A had already missed so much education and wished to give him the opportunity to meet his potential. Mrs Grady submitted that the strict application of the procedure was not appropriate for Pupil A.

Witness B explained that the School has a strict behaviour policy in place and the usual practice when a child misbehaves is that they move through the chart. In this policy the School has a no tolerance or 'black status' which is when a pupil uses bad language, physical harm or is disrespectful to staff and, in those cases, the pupil should be sent directly to Witness B.

Witness B admitted in her oral evidence that policies may not be strictly applied depending on the needs of the pupils but submitted that the behaviour management procedure should have been strictly applied to Pupil A to allow him an element of routine and structure. Witness B submitted that Individual C managed Pupil A's behaviour better than Mrs Grady by deciding which behaviours of Pupil A to ignore. On questioning, Witness B conceded that this would also amount to a failure to strictly follow the School's written behaviour management procedure.

The panel noted that Mrs Grady admitted that she did not follow the School's written behaviour management procedure.

The panel considered the evidence and found allegation 1(b)(i) proven however acknowledged that there appeared to be occasions on which others within the School adapted the written procedure depending upon the needs of the individual pupil.

In respect of the written managing risky behaviour policy, the policy does detail minimising the need to use reasonable force and/or positive handling. The policy states that if a pupil is a threat to themselves, another child or a member of staff, the teacher would have to act accordingly. At the time, Mrs Grady would have been aware of this as it is shared with all staff members. Witness B confirmed that all staff members had annual training on the School's managing risky behaviour policy.

The panel further noted that Mrs Grady was the School's SENCO and was responsible for providing training on managing risky behaviour to other members of staff.

In respect of the written procedure, Mrs Grady firstly submitted that Pupil A was [REDACTED] for her to apply any of the recommended physical interventions on her own. Mrs Grady was referred to the previous incident on 17 November 2020 during which Individual D, a teacher at the School, used one of the recommended physical interventions on Pupil A. Mrs Grady submitted that the key difference was that Individual D was [REDACTED]. Mrs Grady submitted that, during training, teachers are informed that physical interventions must be appropriate to the individual performing the physical intervention.

The panel noted that, during questioning, Witness B expressed that the policy stated that physical restraint should only be used as a last resort and where there is a danger that the pupil may harm themselves or others. However, the panel was provided with a copy of the incident report form completed after the removal of Pupil A on 17 November 2020

and noted that, despite there being no evidence that Pupil A was on that date a danger to himself or others, Witness B stated that all procedures were followed correctly in order to prevent the incident from escalating.

Notwithstanding this, the panel noted Mrs Grady's admission in respect of allegation 1(a)(i). The panel found that the use of unreasonable force could not be in accordance with the School's managing risky behaviour procedure, whether written or otherwise.

The panel also noted Mrs Grady's admission in her written evidence that, on reflection, the Incident could have been handled differently. Mrs Grady gave a number of examples of alternatives to her use of physical restraint which would have been in accordance with the School's managing risky behaviour procedure.

The panel found allegation 1(b)(ii) proven.

The panel found allegations 1(b)(i)-(ii) proven.

2. By your conduct at (1) above you failed to have regard to the need to safeguard pupils' well-being.

Mrs Grady admitted that her conduct at allegation (1), insofar as it was admitted, may amount to a failure to have regard to the need to safeguard pupils' well-being.

Having found allegation 1(a)(i) and 1(b)(i) – (ii) proven and allegations (1)(a)(ii) to (iv) not proven, the panel considered allegation 2 in respect of the proven facts of allegations 1(a)(i) and 1(b)(i)-(ii) only.

The panel noted the injury suffered by Pupil A and considered that the events leading up to the Incident did not constitute an extreme case in which it may not be possible to avoid injuring a pupil as set out in the Department for Education's use of reasonable force guidance. As such the injury was, in the panel's view, evidence of a failure to have regard to the need to safeguard Pupil A. The panel was therefore of the view that the use of unreasonable physical force on Pupil A amounted to a failure to have regard to the need to safeguard Pupil A's wellbeing.

In respect of the need to safeguard the well-being of other pupils, the panel noted that, during the Incident, which spanned between 8 and 9 minutes, Mrs Grady left her class unattended and without adult supervision. Mrs Grady's evidence was that her class were engaged in watching 'Newsround' and were therefore safe. The panel did not accept this as a reasonable justification for leaving the children unsupervised, particularly as it was confirmed that the class included pupils who had additional special educational and behavioural needs. The panel found that this amounted to a failure to safeguard pupils' well-being.

The panel found allegation 2 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 Mrs Grady, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mrs Grady 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; and
 - 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.
- 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 Mrs Grady amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mrs Grady's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The panel found that none of these offences was relevant.

The panel considered that there were many alternative actions which could have been taken by Mrs Grady in order to avoid placing herself in a situation where she considered that force was necessary and the only option available to her. The panel noted that Mrs Grady was an experienced teacher and had received extensive training in her role as SENCO. The panel considered that Mrs Grady should have been well-versed in how to handle difficult situations. The panel further noted that Mrs Grady was aware of

[REDACTED]. The panel considered that the use of unreasonable force was not acceptable and, accordingly, the panel was satisfied that Mrs Grady 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 findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception. The public would not expect a teacher to use unreasonable force on a pupil in any circumstances. [REDACTED].

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

Having found the facts of allegations 1(a)(i), 1(b)(i)-(ii) and 2 proved, the panel further found that Mrs Grady's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

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

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

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

In the light of the panel's findings against Mrs Grady, which involved using unreasonable force towards Pupil A, there was a strong public interest consideration in respect of the protection of pupils.

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

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

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 her abilities as an educator and/or she 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 Mrs Grady. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

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 Mrs Grady. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

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

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 Mrs Grady's actions were not deliberate.

Mrs Grady outlined that the incident occurred during the height of the COVID-19 pandemic, and, at the time of the Incident, teaching assistants who normally worked with

Pupil A and/or [REDACTED] were absent from the School due to isolating after contact with COVID-19.

Mrs Grady submitted that the Incident was not a planned reaction; Pupil A had been sent to the headteacher's office on a regular basis and had never refused to go previously. Mrs Grady stated that she was not expecting this time to be any different to previous occasions.

At the time of the incident, Mrs Grady reported that she had recently moved house, having not yet sold her previous house. Mrs Grady was also in the process of cleaning and selling her mother-in-law's house [REDACTED]. Mrs Grady reported that this resulted in late night and early morning phone calls from the [REDACTED] and her husband having to travel to his [REDACTED], leaving Mrs Grady to take care of their two school aged children, one of whom had [REDACTED].

Whilst the panel noted that the circumstances were challenging, particularly given the staffing issues as a result of the COVID-19 pandemic, there was no evidence to suggest that Mrs Grady was acting under extreme duress.

The panel took careful note of a number of character statements submitted on behalf of Mrs Grady, which demonstrated that she was well regarded professionally and personally. In particular, the panel noted the following statements:

Individual E, teacher and former colleague of Mrs Grady:

"I found her professional at all times and eager to assist myself and other staff members, who had found themselves in new roles. She was approachable and her expectations were always clear and fair."

"Her approach to the children in her care focussed on doing what was best for them as individuals and as a class group. She always invested a lot of time in developing her relationships with the children and had a good understanding of their family backgrounds and any additional needs they might have had including SEND."

"Children had positive relationships with Susan and she was respected. She always appeared to enjoy teaching and was 100% committed to giving all the children a rounded education that was not only academic but also fun and accessible to all. The children in her groups enjoyed learning and her behaviour management was very good. She also had strong relationships with the teaching assistants she worked with."

Individual F, teacher and former colleague of Mrs Grady:

"During our time as year group partners, I was able to witness first-hand her ability to manage a class, command respect and maintain positive relationships with her pupils."

“At no time was I ever concerned by her conduct, professionalism or competence and throughout the years I would often ask and take the advice given from Susan as my mentor and as part of her role on the Senior Leadership Team.”

Individual G, teacher and former colleague of Mrs Grady:

“In her time at the school, Susan proved to be a devoted, hardworking and dedicated leader. She worked collaboratively as a team and in my experience, I always found her approachable both professionally and personally. Over the years, she has provided me with guidance and support in a positive manner which helped me to flourish as a teacher and to perform to my best ability. As a senior leader, Susan recognised my individual qualities and strengths and was able to support and mentor me to progress in my professional career.

In the time that I worked with Susan, she well respected by both the children and colleagues. Whilst I have not experienced Susan teaching directly, I was able to see how children demonstrated great respect towards her through assemblies and when passing her through corridors. Susan would very often ‘beam’ about how well her children were doing and how ‘proud’ she was of her class in the staff room. In the time I was there, I know that Susan’s teaching was graded ‘Outstanding/Good’ when she was observed and this was reflected in the progress that the children made.

Children’s behaviour at [REDACTED] could be very challenging, however Susan in her role as Deputy Head would always be there to offer support, guidance and strategies to colleagues.”

The panel considered that Mrs Grady did have a previously good history as a teacher and there was no evidence that she was not of good character. However, there was no evidence which demonstrated exceptionally high standards in both personal and professional conduct or that Mrs Grady contributed significantly to the education sector.

[REDACTED]

Mrs Grady knew that she had handled the situation wrongly and, having reflected, gave evidence that there were a number of alternative ways to handle the situation. Mrs Grady submitted that taking Pupil A by the wrist was a split-second reaction; she had in mind concerns about letting him go back into the classroom. However, the panel noted that Mrs Grady continued to hold on to Pupil A’s wrist for an unreasonable length of time which ultimately led to Pupil A having a red mark which was visible between 45 minutes and an hour after the Incident.

Mrs Grady submitted that she has had [REDACTED]. She explained that teaching was her life and she feels a sense of grief, describing it as *“heart-breaking”*.

However, whilst the panel acknowledged Mrs Grady was remorseful, the panel had concerns over Mrs Grady's lack of insight, particularly in respect of the failure to safeguard her other pupils (including a number of pupils with additional needs and behavioural issues), who were left unsupervised.

The panel was further concerned that Mrs Grady did not appear to have gained any insight during the time since the Incident as to her need to adhere to policies and procedures.

The panel noted that Mrs Grady was responsible for providing training to other members of staff in her role as SENCO. The panel considered that Mrs Grady was in a position where she should have been a role model for other practitioners within the School but instead allowed herself to become embroiled in a dispute which she failed to de-escalate.

The panel also noted that Mrs Grady had received extensive training in behaviour management and physical handling. In addition, there were supporting interventions in place to assist Mrs Grady with the management of behaviours in her class. Mrs Grady, by her own admission, conceded that she had not employed any of these interventions on this occasion.

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 Mrs Grady 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 Mrs Grady. Mrs Grady's lack of insight as to the safeguarding of her other pupils and the fact that injury was suffered by Pupil A 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 two years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. The panel found that these behaviours were not relevant.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. The panel found that these behaviours were not relevant.

Taking account of the mitigating circumstances, the panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provision for a review period after two years.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found some of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found allegations (1)(a)(ii) to (iv) not proven, I have therefore put those matters entirely from my mind.

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

In particular, the panel has found that Mrs Grady is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions; and
 - 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.

- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

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. This list of such behaviours included “failure in their duty of care towards a child, including exposing a child to risk or failing to promote the safety and welfare of the children (as set out in Part 1 of KCSIE).”

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

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel has observed, “In the light of the panel’s findings against Mrs Grady, which involved using unreasonable force towards Pupil A, there was a strong public interest consideration in respect of the protection of pupils.” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “Mrs Grady knew that she had handled the situation wrongly and, having reflected, gave evidence that there were a number of alternative ways to handle the situation. Mrs Grady submitted that taking Pupil A by the wrist was a split-second reaction; she had in mind concerns about letting him go back into the classroom. However, the panel noted that Mrs Grady continued to hold on to Pupil A’s wrist for an unreasonable length of time which ultimately led to Pupil A having a red mark which was visible between 45 minutes and an hour after the incident.” The panel has also commented “that Mrs Grady submitted that she has had [REDACTED]. She explained that teaching was her life and she feels a sense of grief, describing it as *“heart-breaking”*.”

“Whilst the panel acknowledged Mrs Grady was remorseful, the panel had concerns over Mrs Grady’s lack of insight, particularly in respect of the failure to safeguard her other pupils (including a number of pupils with additional needs and behavioural issues), who

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

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “public confidence in the profession could be seriously weakened if conduct such as that found against Mrs Grady was 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 Mrs Grady herself and the panel comment “The panel considered that Mrs Grady did have a previously good history as a teacher and there was no evidence that she was not of good character. However, there was no evidence which demonstrated exceptionally high standards in both personal and professional conduct or that Mrs Grady contributed significantly to the education sector.”

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

In this case, I have placed considerable weight on the panel’s comments concerning the lack of insight, “The panel was further concerned that Mrs Grady did not appear to have gained any insight during the time since the Incident as to her need to adhere to policies and procedures.”

I have also placed considerable weight on the finding that “The panel noted that Mrs Grady was responsible for providing training to other members of staff in her role as SENCO. The panel considered that Mrs Grady was in a position where she should have been a role model for other practitioners within the School but instead allowed herself to become embroiled in a dispute which she failed to de-escalate.”

I have gone on to consider the following comment in reaching my decision “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 Mrs Grady.

Mrs Grady's lack of insight as to the safeguarding of her other pupils and the fact that injury was suffered by Pupil A 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."

I have given less weight in my consideration of sanction therefore, to the contribution that Mrs Grady has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

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

I have gone on to consider the matter of a review period. In this case, the panel has recommended a 2 year review period.

I have considered the panel's comments "Taking account of the mitigating circumstances, the panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provision for a review period after two years."

I agree with the panel and have decided that a two year review period is proportionate and in the public interest in this case.

This means that Mrs Susan Grady is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. She may apply for the prohibition order to be set aside, but not until 20 June 2025, 2 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If she does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mrs Grady remains prohibited from teaching indefinitely.

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

Mrs Susan Grady has a right of appeal to the King's Bench Division of the High Court within 28 days from the date she is given notice of this order.



Decision maker: Sarah Buxcey

Date: 20 June 2023

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