



Teaching
Regulation
Agency

Mr Gregory Elleston: Professional conduct panel outcome

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

July 2023

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

Teacher:	Mr Gregory Elleston
Teacher ref number:	1265758
Teacher date of birth:	22 July 1992
TRA reference:	17582
Date of determination:	25 July 2023
Former employer:	Rowan Independent School, Bilston

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 24 and 25 July 2023 by way of a virtual hearing to consider the case of Mr Gregory Elleston.

The panel members were Ms Rosemary Joyce (teacher panellist – in the chair), Ms Helen Knee (lay panellist) and Mr Alan Wells (former teacher panellist).

The legal adviser to the panel was Mr Sam Haldane of Birketts LLP solicitors.

The presenting officer for the TRA was Ms Sherelle Appleby of Browne Jacobson LLP solicitors.

Mr Elleston was not present and was not represented.

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

Allegations

The panel considered the allegations set out in the notice of proceedings dated 12 May 2023.

It was alleged that Mr Elleston was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as a deputy headteacher at the Rowan Independent School:

1. He engaged in inappropriate and/or excessive physical contact with one or more pupils on one or more occasions:
 - a) On or around March 2018 by:
 - i. holding their arm(s) behind their backs;
 - ii. putting his hand on their heads; and
 - iii. pushing their head down;
 - b) Or around 19 March 2018, by:
 - i. taking hold of Pupil A's arm(s) and/or wrist(s);
 - ii. pulling and/or dragging Pupil A along the floor; and
 - iii. lifting Pupil A from the ground by his arm(s);
2. He engaged in conduct as set out at 1a(i),(ii) and (iii) and/or 1b(i),(ii) and (iii) above, despite having received previous advice and/or guidance and/or instruction in relation to his handling of pupils.

Mr Elleston admitted the facts of allegations 1(a)(i)-(iii), 1(b)(i)-(iii) and 2 and that those admitted facts amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute, as set out in the statement of agreed facts signed by Mr Elleston on 28 April 2022.

Preliminary applications

Application to proceed in the absence of the teacher

Mr Elleston was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Elleston.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the

case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

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

The panel concluded that Mr Elleston's absence was voluntary and that he was aware that the matter would proceed in his absence.

The panel noted that Mr Elleston had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at a hearing. There was no medical evidence before the panel that Mr Elleston was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witnesses of any delay.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Elleston was neither present nor represented.

Summary of evidence

Documents

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

- Section 1: Notice of proceedings – pages 5 to 16
- Section 2: Statement of agreed facts – pages 18 to 20
- Section 3: TRA witness statements – pages 22 to 48
- Section 4: TRA evidence– pages 32 to 80
- Section 5: Teacher documents – pages 83 to 92

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing. There was a further 3 pages relating to communication between Mr Elleston and the Presenting Officer which was issued at the same time as the bundle, which the panel members also confirmed that they had read in advance of the hearing.

Witnesses

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

- Witness A

Following the oral evidence of the Witness A, the panel adjourned and considered the necessity of calling the other proposed witnesses. The panel considered that they could offer nothing further given Mr Elleston had admitted the allegations which their evidence related to.

The panel was mindful to treat their statements as hearsay and attached the relevant weight to them.

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Elleston was employed as a deputy headteacher at Rowan Independent School ('the School') between 4 November 2017 until he resigned on 9 May 2018.

On the 12 March 2018, Witness A reminded Mr Elleston that she had previously walked in on him twice the previous week and asked him to drop a child's arm and remove his hand off the back of a child's head.

On 16 March 2018, Mr Elleston received a management instruction not to be alone with pupils or restrain pupils unless necessary, after complaints were received by the School from parents who averred that Mr Elleston was holding pupils too tightly and holding their arms up their backs.

On 19 March 2018, Witness A saw that Pupil A had a visible red mark to their face, which Pupil A reported was caused by Mr Elleston. The School reported the matter to the police and the LADO. The police have since confirmed that the matter was treated with no further action.

Findings of fact

The findings of fact are as follows:

The panel heard the oral witness evidence of Witness A and considered the statements of the remaining proposed witnesses. Mr Elleston did not provide any evidence to the panel.

In summary, the witnesses had all provided statements to the TRA prior to the hearing. In each instance, the panel considered that their accounts followed a cohesive internal logic and it was consistent with the other evidence. In the absence of any contradictory

evidence from Mr Elleston their evidence was accepted. The panel could not identify any features of their evidence which suggested it was unreliable or not credible.

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

The panel noted that within the statement of agreed facts, signed by Mr Elleston on 28 April 2022, Mr Elleston admitted the facts of allegations 1(a)(i)-(iii), 1(b)(i)-(iii) and 2. Notwithstanding this, the panel made its own determination based on the evidence available to it.

1. You engaged in inappropriate and/or excessive physical contact with one or more pupils on one or more occasions:

a) On or around March 2018 by:

- i. holding their arm(s) behind their backs;**
- ii. putting your hand on their heads; and**
- iii. pushing their head down;**

Mr Elleston admitted that he used a restraint technique called a trouble drill which can be applied if pupils become physically aggressive or they are damaging property. Mr Elleston admitted that on 19 March 2018, he took hold of Pupil A for a long period of time and kept pulling Pupil A back into a hold, when Pupil A tried to move.

Mr Elleston also admitted that he put his hands on pupils' heads and pushed their heads down, albeit he averred that he did this when trying to calm pupils down.

The panel noted Mr Elleston's response at the investigation stage. Mr Elleston stated that he was trained at [REDACTED] (a school he had previously worked at) in physical restraint but no training was offered to him by the School, despite his numerous requests for such training. When he moved to the School, Mr Elleston stated that the director of the School told him that any and all restraints that he had learnt at [REDACTED] were a part of the restraints allowed at the School.

Mr Elleston stated that both he and other members of staff would perform the technique as it required two people. All restraints that were handled would have been written up and signed off by Witness A and other members of staff in the restraint policy book. However, Mr Elleston stated that Witness A decided that she did not want to use the particular technique anymore and so he stopped using it.

Mr Elleston stated that the only time he would have put his hand on a pupil's head would be when trying to calm a child down. He further explained that one of the techniques in

which he was trained is a tuck technique; this technique is simply cupping the child's hand in your own and holding, which requires two people.

The panel heard from Witness A who confirmed that she had spoken to Mr Elleston several times in March 2018 about his inappropriate and excessive use of force having observed him doing this.

The panel noted particularly page 46 and 47 of the bundle which details Witness A having witnessed Mr Elleston with his hands on a child's arm and having to remind him that the level of force used by him for children of that age was not appropriate.

The panel was therefore satisfied that on the balance of probabilities, allegations 1(a)(i)-(iii) were proven. Additionally, the panel considered that this conduct would amount to using inappropriate and excessive force towards pupils.

The panel found allegation 1(a)(i)-(iii) proven.

b) Or around 19 March 2018, by:

- i. taking hold of Pupil A's arm(s) and/or wrist(s);**
- ii. pulling and/or dragging Pupil A along the floor; and**
- iii. lifting Pupil A from the ground by his arm(s);**

Mr Elleston admitted that on 19 March 2018, he took hold of Pupil A's arms and/or wrists during a 'tuck technique' and escorted Pupil A out of the classroom. Mr Elleston admitted that he carried out the 'tuck technique' by himself, although he knew that the technique should involve two members of staff.

Mr Elleston also admitted that on 19 March 2018, he held both arms of Pupil A and lifted Pupil A out of their seat. Furthermore, Mr Elleston escorted Pupil A out of the classroom with Pupil A's feet dragging along the floor.

In Mr Elleston's response at the investigation stage which preceded the statement of agreed facts, he averred that the surface was smooth and not dangerous. Pupil A told Mr Elleston that they would be good if he slid them across the floor which is why Mr Elleston did not feel there would be any physical harm caused to Pupil A. Mr Elleston submitted that Pupil A would previously go limp and not respond to any instruction. Previously, when Mr Elleston had let go of Pupil A, Pupil A would respond by kicking Mr Elleston. On one occasion, Pupil A tried throwing their own faeces at Mr Elleston.

Individual A stated that Mr Elleston was previously involved in restraints with Pupil A but, it was nothing that was as inappropriate as to the incident in March 2018. Individual A considered that the incident was inappropriate because he removed the Pupil and

restrained him alone. She believed that he did have a fair relationship with pupils and often got along with them.

Individual A explained that staff are trained every year on safeguarding and the tuck restraint technique. However, the strategy that they were taught involved multiple members of staff to carry out the technique or to use equipment like a bean bag for the pupil to sit on and calm the pupil down. It was not usual practice for a teacher to do the trained tuck technique by themselves. When he did restrain Pupil A in March 2018, another member of staff and Individual A both offered to assist Mr Elleston, but Individual A submitted that Mr Elleston said he did not need help.

The panel considered the witness statement of Individual B. Individual B submitted that, on 19 March 2018, Pupil A was being very disruptive in the classroom but she was unsure what had happened leading up to the point where Mr Elleston had removed Pupil A from the classroom. As she was working with another child, Individual B saw Pupil A being removed from the classroom and could hear loud shouting. Pupil A was shouting before Mr Elleston took hold of them. When Individual B was checking on other groups in the hall, she saw Pupil A and they appeared calm and was sat on the stairs, however Mr Elleston appeared to have Pupil A in a hold. At the time, the headteacher noticed a red mark on Pupil A's face and asked Individual B to check Pupil A's face; she asked Pupil A where the red mark came from, and they replied that Mr Elleston had done this but that it was an accident. Pupil A told Individual B that Mr Elleston had told them not to say anything.

The panel considered the witness statement of Individual C. Individual C was working part time at the School and did not often have contact with Mr Elleston.

On 19 March 2018, Individual C was in one of the rooms by the entrance of the building with pupils from the School. Individual C recalled hearing Pupil A crying and screaming. Pupil A was out of the room but Individual C was not aware of who had taken them out of the room. Later, as he walked to the hall, Individual C saw Mr Elleston and Pupil A on the stairs with Witness A looking over them. As he walked past, Individual C recalled seeing that Pupil A had a red mark.

Individual C explained that the School had strategies in place for instances where a teacher had to diffuse a situation and keep a child calm. However, as Individual C was an agency teaching assistant at the time, he did not have any restraint training and therefore was not allowed to restrain children. During that time, Individual C did not see Mr Elleston restraining any children, as he did not work with him directly or have much contact with him.

The panel noted the witness statement and oral evidence of Witness A, who explained that Pupil A was the youngest child (6 years old) in the setting at the time the incident occurred and that the child's behaviour could be challenging.

Witness A recalled arriving at the setting for the day on 19 March 2018, and seeing a mark on Pupil A's face. Witness A asked what had happened to them and Pupil A pointed at Mr Elleston and said, "He did it the man teacher, but it was an accident." Witness A alerted Individual C, who then requested and viewed the video footage. It had been 4 years since Witness A had viewed the CCTV footage, however, she recalled that she saw Pupil A alone and being dragged across the floor by Mr Elleston. She also recalled Mr Elleston holding Pupil A for a long period of time and that he kept pulling Pupil A back into hold when Pupil A tried to move. It was noted by the Panel that the CCTV footage had been requested as part of this hearing however was no longer retained by the Police and therefore a copy could not be provided.

Witness A carried out an investigation. During the investigation she interviewed staff and Mr Elleston.

The panel was therefore satisfied that on the balance of probabilities, allegations 2(a)(i)-(iii) were proven. Additionally, the panel considered that this conduct would amount to using inappropriate and excessive force towards pupils.

The panel found allegation 1(b)(i)-(iii) proven.

2. You engaged in conduct as set out at 1a(i),(ii) and (iii) and/or 1b(i),(ii) and (iii) above, despite having received previous advice and/or guidance and/or instruction in relation to your handling of pupils.

Following complaints from parents on 12 and 16 March 2018, Mr Elleston admitted that he continued to hold pupils too tightly and held their arms up their backs. Mr Elleston was instructed by Witness A at the School that, where possible, he should not involve himself in any direct holds and under no circumstances hold a pupil's arm behind or up their back.

In Mr Elleston's response at the investigation stage, he stated that at no point in writing or verbally was there ever anything saying that he should not hold on or do any sort of physical restraint to any child.

Witness A stated that prior to the incident on 19 March 2018, she had spoken to Mr Elleston in relation to complaints she had received from parents regarding his behaviour on 12 March and 16 March 2018. Mr Elleston was aware that complaints had been made and Witness A instructed him, where possible, not to involve himself in any direct holds and under no circumstance to hold a pupils arms behind or up their back.

Witness A explained that at the School there was a hold used which involved 2 or more persons supporting a pupil if they were becoming unsafe. Demonstrations and discussions regularly took place in relation to appropriate holds for children. These demonstrations took place in the daily morning meeting, which Mr Elleston would have been present at.

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

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, 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 Mr Elleston amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Elleston 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 received legal advice as to the possibility of findings being cumulative in accordance with guidance given in the judgment of *Schodlok v General Medical Council [2015]*. However, as the panel concluded that each of the allegations based on the particulars found proved in respect of each allegation, amounted to unacceptable

professional conduct, the panel did not need to determine whether it would be appropriate to accumulate any of those allegations.

Accordingly, the panel was satisfied that Mr Elleston 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. Mr Elleston was an experienced teacher and senior leader at the school. He was tasked with upholding policy including that safeguarding was effective.

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. It was clear to the panel that given the age and vulnerability of the students the public perception would be particularly damaging.

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

Having found the facts of allegations 1(a)(i)-(iii), 1(b)(i)-(iii) and 2 proved, the panel further found that Mr Elleston'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 was 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 Mr Elleston, which involved using inappropriate and excessive force towards pupils, 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 Mr Elleston 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 Mr Elleston was outside that which could reasonably be tolerated.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Elleston. 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 Mr Elleston. 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;
- violating of the rights of pupils;
- sustained or serious bullying, or other deliberate behaviour that undermines pupils, the profession, the school or colleagues;

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

There was no evidence that Mr Elleston's actions were not deliberate. The panel noted that this was not a one off and his actions had happened on a number of occasions.

There was no evidence to suggest that Mr Elleston was acting under extreme duress.

No evidence was submitted to attest to Mr Elleston's history or ability as a teacher. Nor was any evidence submitted which demonstrates exceptionally high standards in both personal and professional conduct or that he contributed significantly to the education sector.

No mitigation evidence was submitted. The panel felt that there was no evidence of remorse or insight shown by Mr Elleston and were concerned about this given his specific responsibilities and the senior position he held.

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 Elleston 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 Elleston. The age and vulnerability of the children at the school and Mr Elleston's senior role coupled without 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 it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours include child cruelty and/or neglect. The panel found that Mr Elleston was responsible for using inappropriate and excessive force towards pupils.

The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One of these behaviours is violence. The panel found that Mr Elleston was responsible for inappropriate and excessive force towards pupils.

The panel decided that the findings indicated a situation in which a review period would not be appropriate and, as such, decided that it would be proportionate, in all the

circumstances, for the prohibition order to be recommended without provisions for a review period.

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 all of the allegations proven and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that Mr Elleston should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Elleston is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - showing tolerance of and respect for the rights of others
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, 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 finds that the conduct of Mr Elleston fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of using inappropriate and excessive force towards pupils.

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 Elleston, 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/or safeguard pupils. The panel has observed, "In the light of the panel's findings against Mr Elleston, which involved using inappropriate and excessive force towards pupils, 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, "No mitigation evidence was submitted. The panel felt that there was no evidence of remorse or insight shown by Mr Elleston and were concerned about this given his specific responsibilities and the senior position he held." In my judgement, the lack of insight or remorse 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 Mr Elleston was not treated with the utmost seriousness when regulating the conduct of the profession." I am particularly mindful of the finding of inappropriate and excessive force in this case and the impact that such a finding has on the reputation 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 and conduct that may bring the profession into disrepute, 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 Elleston himself and the panel comment “No evidence was submitted to attest to Mr Elleston’s history or ability as a teacher. Nor was any evidence submitted which demonstrates exceptionally high standards in both personal and professional conduct or that he contributed significantly to the education sector.”

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

In this case, I have placed considerable weight on the following comments, “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 Elleston. The age and vulnerability of the children at the school and Mr Elleston’s senior role coupled without evidence of insight or remorse was a significant factor in forming that opinion.”

I have also placed considerable weight on the finding that “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. Mr Elleston was an experienced teacher and senior leader at the school. He was tasked with upholding policy including that safeguarding was effective.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Elleston 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 remorse or 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 that no provision should be made for a review period.

I have considered the panel’s comments “The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours include child cruelty and/or neglect. The panel found that Mr Elleston was responsible for using inappropriate and excessive force towards pupils.”

The panel has also said that “The Advice also indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of a longer review period. One

of these behaviours is violence. The panel found that Mr Elleston was responsible for inappropriate and excessive force towards pupils.”

In this case, factors mean that allowing a review period is not sufficient to achieve the aim of maintaining public confidence in the profession. These elements are the seriousness of the findings and the lack of either insight or remorse.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

This means that Mr Gregory Elleston is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England. Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Elleston shall not be entitled to apply for restoration of his eligibility to teach.

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

Mr Elleston has a right of appeal to the King’s Bench Division of the High Court within 28 days from the date he is given notice of this order.

A handwritten signature in black ink, appearing to read 'SABuxcey', with a horizontal line underneath.

Decision maker: Sarah Buxcey

Date: 3 August 2023

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