



Teaching
Regulation
Agency

Mrs Joyce Miller: Professional conduct panel meeting outcome

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

January 2024

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

Teacher:	Mrs Joyce Miller
Teacher ref number:	9647558
Teacher date of birth:	12 June 1963
TRA reference:	22126
Date of determination:	30 January 2024
Former employer:	William Harding School, Aylesbury

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened virtually on 30 January 2024, to consider the case of Mrs Joyce Miller.

The panel members were Mrs Emma Hendry (lay panellist – in the chair), Mrs Bernie Whittle (teacher panellist), and Mr Suhel Ahmed (teacher panellist).

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

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Mrs Miller that the allegations be considered without a hearing. Mrs Miller provided a signed statement of agreed facts and admitted unacceptable professional conduct and conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Mrs Joyce Miller or her representative.

The meeting took place in private and was not recorded.

Allegations

The panel considered the allegations set out in the notice of meeting dated 26 January 2024.

It was alleged that Mrs Miller was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst engaged as a Supply Teacher at the William Harding Combined School, she:

1. On or around 5 October 2022, engaged in inappropriate physical contact with one or more pupils, by:
 - a. grabbing Pupil B's shoulder and/or arm;
 - b. grabbing Pupil A by the shoulders and/or back of their neck;
 - c. pushing and/or poking Pupil C;
 - d. grabbing and/or pushing Pupil D;
2. On or around 24 March 2023, she accepted a police caution in respect to her conduct as referred to at 1a – 1c above.

Preliminary applications

There were no preliminary applications.

Summary of evidence

Documents

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

Section 1: Chronology and anonymised pupil list – pages 3 to 5

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

Section 3: Statement of Agreed Facts and Presenting Officer Representations – pages 20 to 25

Section 4: Teaching Regulation Agency documents – pages 26 to 59

Section 5: Teacher documents – pages 60 to 69

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

Statement of agreed facts

The panel considered a statement of agreed facts which was signed by Mrs Miller on 26 January 2024.

In the agreed statement of facts, Mrs Miller admitted the allegations and that they would amount to unacceptable professional conduct and conduct which may bring the profession into disrepute.

Decision and reasons

The panel announced its decision and reasons as follows:

The panel carefully considered the case and reached a decision.

In advance of the meeting, the TRA agreed to a request from Mrs Miller for the allegations to be considered without a hearing. The panel had the ability to direct that the case be considered at a hearing if required in the interests of justice or in the public interest. The panel did not determine that such a direction was necessary or appropriate in this case.

Mrs Miller was a Supply Teacher employed by Supply Desk, (a supply teacher agency) between March 2022 and October 2022. Mrs Miller accepted a placement at the William Harding Combined School (“the School”). She had not previously taught at that school.

On 5 October 2022, Mrs Miller attended the School. Following her attendance that day, a number of pupils raised concerns about Mrs Miller’s physical interactions with them.

As a result of these disclosures a number of investigations took place, including by the School, the Local Authority Designated Officer and the police. As a result of the police’s investigation, Mrs Miller received a police caution.

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 or around the 5 October 2022, engaged in inappropriate physical contact with one or more pupils, by:

a. grabbing Pupil B’s shoulder and/or arm;

b. grabbing Pupil A by the shoulders and/or back of their neck;

c. pushing and/or poking Pupil C;

d. grabbing and/or pushing Pupil D;

The panel considered the statement of agreed facts. It set out:

“On 5 October 2022, Pupil B was attempting to move around classroom. Mrs. Miller grabbed Pupil B’s shoulder to prevent them from walking around and told them that they were not allowed to do so.

Later that day, Pupil B had gone to get a drink. Some time had passed, as Pupil B had stopped drinking to speak with Pupil C. Mrs. Miller asked Pupil B to return to their seat and when they did no, Mrs. Miller grabbed Pupil B by the arm to guide them back to their desk.

On 5 October 2022, Pupil A was in the cloakroom, having a drink, when Mrs. Miller came to the cloakroom, took Pupil A’s bottle from them and returned it to the storage box, used for water bottles. Mrs. Miller then grabbed Pupil A’s right shoulder and guided them back to the classroom.

Later that day, Pupil A was having another drink in the cloakroom, when Mrs. Miller once again came to guide them back to the cloakroom, this time grabbing Pupil A by the left shoulder and the back of the neck.

On 5 October 2022, Pupil C was in the wet area of the classroom misbehaving, when Mrs. Miller told them to return to their seat. Pupil C refused and Mrs. Miller pushed Pupil C on their back, to guide them back to their seat.

On 5 October 2022, Pupil D attempted to go to the wet area to have a drink. Mrs. Miller told Pupil D to leave the wet area and they refused. Mrs. Miller than grabbed Pupil D by the arm to make them leave the wet area and then pushed Pupil D back to their seat.”

Mrs Miller admitted this allegation in the statement of agreed facts. The panel was satisfied that Mrs Miller’s admission was unequivocal and consistent with the surrounding evidence in the bundle.

Accordingly, the panel found Allegation 1 proved.

2. On or around 24 March 2023, you accepted a police caution in respect to your conduct as referred to at 1a – 1c above.

Before the panel were documents from the police investigation. They showed that Mrs Miller was interviewed under caution by the police on 18 October 2022. In that interview, Mrs Miller provided written statements in which she stated:

“I dispute the allegations being made against me.

At no time did I ever grab a pupil by their shoulder. At no time did I ever grab a pupil by their neck. At no time did I ever poke a child in their side...”

Mrs Miller further explained in the statements that there was a [REDACTED] pupil who would not put their water bottle down and accepted that she took the bottle from their hand and also guided the pupil back to their desk by placing the palm of her hand onto their back, but did not apply any force.

On 24 March 2023, Mrs Miller was further interviewed by the police. She provided a further written statement in which she accepted pushing a pupil and stated that she was extremely sorry for that happening. It further set out that she also accepted that she may have grabbed the shoulder of the [REDACTED] pupil who she ‘guided’ back to the desk and also admitted holding another [REDACTED] pupil by the shoulder. Again, Mrs Miller apologised for her actions in the statement.

Also in the police statement, Mrs Miller highlighted that she thought she would be teaching Year 2 that day, but arrived to find that she was teaching Year 4 and that she had been provided with a [REDACTED] so felt she could not leave him on his own. She described that she felt out of her depth and that she was struggling to manage the pupils and just lost control.

Before the panel was a copy of the police caution documents showing that Mrs Miller had agreed to a caution on 24 March 2023, for three offences of common assault (under section 39 of the Criminal Justice Act 1988) against Pupil A, Pupil B and Pupil C.

Mrs Miller admitted this allegation in the statement of agreed facts. The panel was satisfied that Mrs Miller’s admission was unequivocal and consistent with the surrounding evidence in the bundle.

Accordingly, the panel found Allegation 2 proved.

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

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

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

Although Mrs Miller's actions were confined to one day, the panel noted that Mrs Miller's inappropriate conduct was directed towards four different pupils. On that basis, the panel considered that Mrs Miller's actions could not be considered a mere temporary lapse.

Mrs Miller explained in her statement to the TRA that she had not been provided with any documents from the School in regards to behaviour management. The panel considered that as a longstanding member of the profession, Mrs Miller should have had an ingrained understanding of various strategies to manage classroom behaviour, which ought to have assisted her in the absence of any documents being provided by the School. There are well established safeguarding practices and boundaries around relating to when it is appropriate to make contact with a pupil. There was no evidence before the panel which suggested physical intervention was necessary or reasonable in the circumstances. Mrs Miller accepted herself that she had simply 'lost control'.

The panel was satisfied that the conduct of Mrs Miller fell significantly short of the standards expected of the profession.

The panel also considered whether Mrs Miller's conduct displayed behaviours associated with any of the offences listed from page 12 onwards of the Advice. The Advice indicates that where behaviours associated with such an offence exist, a panel is likely to conclude that an individual's conduct would amount to unacceptable professional conduct. When considering the wide spectrum of actions that could constitute 'violence', the panel considered that pushing, grabbing and poking would fall at the lower end of that spectrum. However, the panel found that the offence of 'violence' was relevant, taking into account she had admitted three offences of assaulting pupils.

Taking these factors into account, the panel was satisfied that Mrs Miller 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 they behave.

The findings of misconduct were 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. Parents and members of the public expect schools to be a place of safety for their children and for them not to be physically manhandled by teachers as a general behaviour management tool.

The panel further found that Mrs Miller's conduct amounted to conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

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

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

- the protection of pupils;
- the maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct.

In the light of the panel's findings against Mrs Miller, which included the use of unlawful force against 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 Mrs Miller were not treated with the utmost seriousness when regulating the conduct of the

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

Notwithstanding 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 Miller.

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 Miller. 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 are relevant in this case are:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are 'relevant matters' for the purposes of the Police Act 1997 and criminal record disclosures;
- misconduct seriously affecting the education and/or safeguarding and well-being of pupils, and particularly where there is a continuing risk;

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 Miller's actions were not deliberate. There was no evidence to suggest that Mrs Miller was acting under duress.

The panel noted that Mrs Miller had engaged with the regulatory process. Mrs Miller did have a previously good history and the panel accepted that the incident appeared out of character, following her 24 year teaching career without any previous regulatory intervention.

Although Mrs Miller initially denied any wrongdoing in her first police interview, she later accepted her actions and has provided a number of apologies in the police investigation and in her communications with the TRA. The panel recognised there was a level of remorse demonstrated by Mrs Miller but was concerned that, as she did not appear at first to recognise her own misconduct, it suggested that Mrs Miller's insight into her actions might not be fully developed.

Mrs Miller did not provide any character references, training material or other material touching on how she would deal with a difficult class in the future. Mrs Miller explained in her statement that she had now retired from teaching.

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 was sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mrs Miller 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 Miller. The absence of any material demonstrating how Mrs Miller would deal with a similar situation in the future was a significant factor in forming that opinion. The panel considered this left the risk of repetition at too high a level not to take restrictive regulatory action. 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 to recommend that a review period of the order should be considered. 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 where a case involved 'violence', it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate.

The panel considered that the risks presented by Mrs Miller were remediable. The panel considered that if Mrs Miller was able to provide a future panel with evidence of further training and reflections by Mrs Miller on how she would manage similar situations in the future, that risk could be reduced to an acceptable level. Whilst the panel considered Mrs Miller would be able to achieve this within a two-year period, the panel considered the wider public interest required a longer period to be imposed, in accordance with The Advice. Balancing this with the fact that the 'violence' involved in this case was at a lower level, the panel considered that a four-year review period would be a proportionate time period.

Accordingly, the panel recommended that a prohibition order should be imposed with a provision for a review period after four 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 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 Mrs Joyce Miller should be the subject of a prohibition order, with a review period of four years.

In particular, the panel has found that Mrs Miller 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
- 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 Mrs Miller fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include a finding of inappropriate physical conduct towards pupils which led to a police caution.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In assessing 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 Miller, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, "There are well established safeguarding practices and boundaries around relating to when it is appropriate to make contact with a pupil. There was no evidence before the panel which suggested physical intervention was necessary or reasonable in the circumstances. Mrs Miller accepted herself that she had simply 'lost control'." 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 it sets out as follows, "Although Mrs Miller initially denied any wrongdoing in her first police interview, she later accepted her actions and has provided a number of apologies in the police investigation and in her communications with the TRA. The panel recognised there was a level of remorse demonstrated by Mrs Miller but was concerned that, as she did not appear at first to recognise her own misconduct, it suggested that Mrs Miller's insight into her actions might not be fully developed." In my judgement, the lack of evidence of full insight and 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, "The findings of misconduct were 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. Parents and members of the public expect schools to be a place of safety for their children and for them not to be physically manhandled by teachers as a general behaviour management tool." I am particularly mindful of the fact that Mrs Miller's behaviour led to her accepting a police caution for three offences of common assault and the impact that such behaviour 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, 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 Miller herself. The panel noted that "... Mrs Miller had engaged with the regulatory process. Mrs Miller did have a previously good history and the panel accepted that the incident appeared out of character, following her 24-year teaching career without any previous regulatory intervention." The panel also record that "Mrs Miller did not provide any character references, training material or other material touching on how she would deal with a difficult class in the future. Mrs Miller explained in her statement that she had now retired from teaching."

A prohibition order would prevent Mrs Miller 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 both on the serious nature of the misconduct found as well as the panel's comments concerning the lack of evidence of full insight and remorse.

I have given less weight in my consideration of sanction therefore, to the contribution that Mrs Miller has made to the profession. In my view, it is necessary to impose a prohibition 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 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 a four-year review period.

In doing so, the panel has referred to the Advice which indicates that where a case involved 'violence', it is likely that the public interest will have greater relevance and weigh in favour of a longer period before a review is considered appropriate.

I have considered the panel's comments "The panel considered that the risks presented by Mrs Miller were remediable. The panel considered that if Mrs Miller was able to provide a future panel with evidence of further training and reflections by Mrs Miller on how she would manage similar situations in the future, that risk could be reduced to an acceptable level. Whilst the panel considered Mrs Miller would be able to achieve this within a two-year period, the panel considered the wider public interest required a longer

period to be imposed, in accordance with The Advice. Balancing this with the fact that the ‘violence’ involved in this case was at a lower level, the panel considered that a four-year review period would be a proportionate time period.”

I have considered whether a four-year review period reflects the seriousness of the findings and is a proportionate period to achieve the aim of maintaining public confidence in the profession. In this case, factors mean that, in my judgment, a four-year review period is a proportionate response to the misconduct found. The elements are the serious nature of the misconduct and the lack of evidence of full insight and remorse.

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

This means that Mrs Joyce Miller 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 8 February 2028, four 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 Miller remains prohibited from teaching indefinitely.

Mrs Miller 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: Marc Cavey

Date: 5 February 2024

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