



Teaching  
Regulation  
Agency

# **Miss Kerry Johnson: Professional conduct panel meeting outcome**

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

**November 2023**

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

<b>Teacher:</b>	Miss Kerry Johnson
<b>TRA reference:</b>	20983
<b>Date of determination:</b>	23 November 2023
<b>Former employer:</b>	Georgian Gardens Community Primary School, West Sussex

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 23 November 2023 by way of a virtual meeting, to consider the case of Miss Kerry Johnson.

The panel members were Ms Susan Humble (lay panellist – in the chair), Ms Lynsey Draycott (teacher panellist) and Mr Stephen Chappell (lay panellist).

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

In advance of the meeting, after taking into consideration the public interest and the interests of justice, the TRA agreed to a request from Miss Johnson that the allegations be considered without a hearing. Miss Johnson provided a signed statement of agreed facts and admitted unacceptable professional conduct and/or conduct that may bring the profession into disrepute. The panel considered the case at a meeting without the attendance of the presenting officer, Ms Amalea Bourne of Browne Jacobson LLP, Miss Johnson or any representative for Miss Johnson.

The meeting took place in private by way of a virtual meeting.

## **Allegations**

The panel considered the allegations set out in the notice of meeting dated 30 August 2023.

It was alleged that Miss Johnson was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that:

1. On or around 4th - 5th April 2022 and whilst working as a class teacher at Georgian Gardens Community Primary School she failed to adequately supervise and/or safeguard pupils in her [REDACTED] class in that she failed to prevent one or more pupils from making photographic and/or video images of one another which depicted:
  - a) exposed genitals;
  - b) exposed underwear;
  - c) clothing being removed and/or lifted; and
  - d) verbal and/or gestural swearing; and
2. Her conduct at Allegation 1 was notwithstanding her prior knowledge of concerns that one or more pupils, who were present in the class and involved in the activity at Allegations 1(a)-(c), had engaged in sexualized behaviour towards one or more class-mates in the past.

In her response to the notice of referral dated 24 January 2023 and in the statement of agreed facts signed on 7 and 20 March 2023, Miss Johnson admitted allegations 1 and 2 in full. She also admitted that her behaviour amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute.

## **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– pages 7 to 8
- Section 2: Notice of referral, response and notice of meeting – pages 10 to 26

- Section 3: Statement of agreed facts and presenting officer representations – pages 27 to 33
- Section 4: TRA documents – pages 35 to 425
- Section 5: Teacher documents – pages 427 to 428
- Anonymised person list – provided separately

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 Miss Johnson on 7 and 20 March 2023 and subsequently signed by the presenting officer on 23 March 2023.

## **Decision and reasons**

The panel carefully considered the case and reached the following decision and reasons:

In advance of the meeting, the TRA agreed to a request from Miss Johnson 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.

Miss Johnson was employed as a class teacher at Georgian Gardens Community Primary School ('the School') between September 2016 and June 2022.

On or around the 4 and 5 April 2022, incidents occurred with pupils in Miss Johnson's class. The senior leadership team were informed by the teaching assistant in that class, on Miss Johnson's instruction, that inappropriate photographs had been taken by the children on the School's iPads.

On 6 April 2022, safety plans were put in place, and Miss Johnson was asked to write a statement as part of the preliminary investigation. Initial contact was also made with the LADO and the [REDACTED].

On 7 April 2022, a further iPad was found showing photographs, and all iPads were retained and checked and some contained further photographs and videos by pupils within Miss Johnson's class.

In total, approximately 133 photos and videos were found across five devices, including photographs of nudity, an edited nude photograph and videos of pupils clothed. All of the photos and videos were taken by pupils of other pupils during Miss Johnson's lesson and inside the classroom.

On 8 April 2022, [REDACTED] spoke with HR, and it was considered that Miss Johnson was safe to be in school, completing non-teaching tasks and with no direct supervision of children. An initial fact-finding meeting with the LADO took place on 26 April 2020. Miss Johnson was later suspended from her role at the School.

Miss Johnson's investigation interview took place on 10 May 2022, and Miss Johnson followed up on 11 May 2022 to provide additional points not raised within the investigation meeting.

On 23 May 2022, the LADO meeting confirmed the allegations were substantiated. A full disciplinary hearing then took place on 16 June 2022, and Miss Johnson was dismissed with notice on 28 June 2022.

Miss Johnson appealed the dismissal, but later withdrew her appeal.

## **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:

The panel noted that Miss Johnson admitted allegations 1 (a)-(d) and allegation 2, as set out in the response to the notice of referral dated 24 January 2023 and the statement of agreed facts dated 7 and 20 March 2023. Further, Miss Johnson admitted that those admitted facts amounted to unacceptable professional conduct and or/conduct that may bring the profession into disrepute.

Notwithstanding this, the panel made a determination based on the facts available to it.

- 1. On or around 4th - 5th April 2022 and whilst working as a class teacher at Georgian Gardens Community Primary School you failed to adequately supervise and/or safeguard pupils in your [REDACTED] class in that you failed to prevent one or more pupils from making photographic and/or video images of one another which depicted:**
  - a. exposed genitals;**
  - b. exposed underwear;**
  - c. clothing being removed and/or lifted; and**

#### **d. verbal and/or gestural swearing; and**

Miss Johnson admitted that, on or around the 4-5 April 2022, whilst working as a teacher at the School, she failed to adequately supervise and/or safeguard pupils in her [REDACTED] class [REDACTED]. Whilst in charge of the class, Miss Johnson admitted that she was carrying out administrative tasks which took her attention away from the pupils.

The panel went on to consider the evidence available in the bundle and noted that, whilst under the supervision of Miss Johnson, pupils were undertaking work on the School iPads and they began to take photographs and videos of one another.

The panel noted that across five devices, approximately 133 photos and videos had been taken involving five pupils. The individual photos and short videos were taken by pupils of other pupils over a period of 17 minutes on 4 April 2022 and 11 minutes on 5 April 2022 all during a class that Miss Johnson was responsible for.

The panel also considered the iPad content log contained in the bundle which set out a description of the photos and videos found, and the panel was satisfied that it covered the types of images listed at allegation 1(a) to (d).

Therefore, on examination of the documents before the panel, and the admissions in the signed statement of agreed facts, the panel was satisfied that allegations 1(a), 1(b), 1(c) and 1(d) were proven.

#### **2. Your conduct at Allegation 1 was notwithstanding your prior knowledge of concerns that one or more pupils, who were present in the class and involved in the activity at Allegations 1(a)-(c), had engaged in sexualized behaviour towards one or more class-mates in the past.**

Miss Johnson admitted that she had prior knowledge of concerns that one or more pupils who were involved in the activity in allegations 1(a)-(c) had engaged in sexualised behaviour in the past.

Miss Johnson had been previously made aware of an incident at an after-school club whereby there were concerns regarding the inappropriate behaviour of one of the pupils and she had been involved in communications regarding this matter. The panel noted an email in the bundle dated 6 January 2022, where [REDACTED] emailed Miss Johnson regarding [REDACTED] behaviour at the after-school club.

The panel considered that based on the evidence available to it, it appeared that Miss Johnson was only aware of one pupil, Child B, who had engaged in such behaviour towards one classmate in the past and that it was not clear from the evidence that she was aware of any other pupils that had engaged in such behaviour.

There were also further incidents in which the pupils who are subject of the allegations were involved which related to inappropriate behaviour however, again, the panel considered that it was not clear whether Miss Johnson was aware of the other incidents until after the 4-5 April 2022.

The panel considered that it was clear from the evidence in the bundle that Child B was present in the class and involved in the activity at allegations 1(a)-(c).

On examination of the documents before the panel, and the admissions in the signed statement of agreed facts, the panel was satisfied that Miss Johnson was aware that Child B had engaged in sexualised behaviour towards at least one classmate in the past and therefore found allegation 2 proven.

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

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

The panel was satisfied that the conduct of Miss Johnson fell significantly short of the standards expected of the profession.



The panel also considered whether Miss Johnson's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice. The Advice indicates that where behaviours associated with such an offence exist, a panel is more likely to conclude that an individual's conduct would amount to unacceptable professional conduct. The panel found that none of these offences were relevant.

The panel noted that the School had policies and procedures in place to deal with acceptable use of ICT and e-safety. Miss Johnson had also been sent Part 1 of Keeping Children Safe in Education. Miss Johnson had agreed that she had read the relevant documents by signing a receipt form on 2 September 2021 and on 5 September 2021 respectively. Further, the School had provided Miss Johnson with safeguarding training which she also agreed that she had received. The panel therefore considered that Miss Johnson should have been aware of what was expected of her in her role as a teacher.

The panel noted that Miss Johnson raised the issue that she had not received training on how to disable or lock functions on the iPad. Although the panel considered that the School could have provided Miss Johnson with training on these functions, a teacher also has responsibility for their own professional development, particularly where there could be a safeguarding issue and, therefore, Miss Johnson could have also sought the training required. Further, in any event, when the incident occurred on 4 April 2022, the task that the pupils were undertaking required use of the camera and any training on how to disable or lock that function would not have prevented the images from being taken.

The panel were concerned by the length of time over which the photos and videos were taken by the pupils. The panel considered that a teacher should be constantly scanning the room to check what the pupils are doing and noted that Miss Johnson accepted that she had a "commanding view" of the room. The panel found it troubling that Miss Johnson had not been aware of what the pupils had been doing on the iPads during that time. The panel further considered that a teacher engaged in a lesson would have been circulating the classroom addressing any misconceptions of the task that the pupils have been set.

The panel noted that Miss Johnson was seen in the images completing administrative / marking tasks during lesson time. Although the panel appreciated that a teacher may have to undertake some administrative / marking tasks during a lesson, it did note that every teacher gets planning, preparation and assessment time. The panel considered that where a teacher is required to undertake administrative tasks during lesson time, the teacher should deploy their support staff effectively, in accordance with the Teachers' Standards.

The panel lastly noted that on 5 April 2022, Miss Johnson had not realised the time until one of the pupils had asked for spare boxes for junk modelling. The panel considered that this demonstrated how immersed Miss Johnson was in her administrative tasks

whilst the incidents took place during her lesson and evidenced that she was not paying full attention to what the pupils were doing.

Accordingly, the panel was satisfied that Miss Johnson 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 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 expect teachers to have regard for the need to safeguard pupils' well-being, in accordance with statutory provisions.

The panel noted the responsibility that teachers have for each child when a parent sends their child to school. This situation could have a potentially damaging impact on parents whose children were involved and also the public's view of the profession, the incident having taken place in a school setting.

The panel also noted that one of the parents whose child was involved in the incident raised concern about the level of supervision and safeguarding in the class at that time.

The panel considered the comments made by [REDACTED] in the disciplinary hearing regarding the risk of reputational damage as a result of these incidents. She noted that she was concerned at first about reputational damage but as the parents had been discreet and time had passed, she considered the risk had reduced now. However, the panel concluded that the fact that the School had to actively manage the parents. This included concerns raised surrounding conversations that were taking place in the parents' WhatsApp group for that year group. The School also had to consider the possibility of media interest. This was enough to decide that the incident could bring the profession into disrepute.

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

Having found the facts of particulars 1(a), 1(b), 1(c), 1(d) and 2 proved, the panel further found that Miss Johnson'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. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils; the maintenance of public confidence in the profession; 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 Miss Johnson, the panel considered that public confidence in the profession could be weakened if conduct such as that found against Miss Johnson were not treated seriously when regulating the conduct of the profession. The panel decided that a public interest consideration in declaring proper standards of conduct in the profession was also present.

The panel also weighed in the balance the fact that the conduct found proven involved isolated incidents on two separate days and was the product of a singular set of circumstances.

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 Miss Johnson. 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 Miss Johnson. 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 potentially relevant in this case were:

- serious departure from the professional conduct elements of the Teachers' Standards;

- misconduct seriously affecting the safeguarding and well-being of pupils...;
- 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);

Whilst the panel considered that these behaviours were potentially relevant in this case, it was mindful of the wider context of the incidents and the evidence available to it in the bundle. The panel noted again that this involved isolated incidents on two separate days, and it did not consider that Miss Johnson's conduct represented a "serious" departure from the Teachers' Standards or that it "seriously" affected the safeguarding and well-being of pupils. The panel also noted that there was no evidence included in the bundle to demonstrate the impact on the pupils involved in the incident.

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.

The panel concluded that Miss Johnson's actions were not deliberate and were in fact the product of momentary lapses of attention. The panel were of view that the evidence suggested that Miss Johnson naively placed an overreliance on the "*tell tales*" that she believed were in her class at the time who would usually report if another pupil was not on task. The panel considered that at the time the incidents took place Miss Johnson's antennae were compromised as she was absorbed in the administrative tasks.

The panel noted that as soon as Miss Johnson became aware of what had happened she reported the incident and, although there were questions around whether this was handled correctly, she dealt with the incident immediately and recognised the potential for harm and the importance of safeguarding these children.

There was no evidence to suggest that Miss Johnson was acting under extreme duress. However, the panel took account of Miss Johnson's [REDACTED] at the time, as outlined below.

The panel noted Miss Johnson's letter of mitigation submitted as part of the bundle, in which she stated that this was her first error and that she is "*extremely sorry to both the school and the students that were involved*". Miss Johnson further stated that she had faced School investigation meetings and disciplinary hearings with apologies and remorse and had cooperated positively, and that it was never her intention to cause any harm or distress to pupils.

The panel noted that Miss Johnson stated that she could not work with the children as closely in the lead up to the incident as she would have liked, as during the term prior, she only worked three and a half weeks out of seven due [REDACTED]. However, the

panel did not consider that this was relevant for the incidents that took place on 4 and 5 April 2022 and Miss Johnson did not suggest that it was.

Miss Johnson also submitted that she believed the School could have done more in terms of training and security of the iPads as the children use these openly in lessons, and she was not informed of the potential safeguarding issues. However, as above, the panel noted that the training would not have impacted on the incidents that took place due to the nature of the task being undertaken by the pupils.

The panel considered that it was pertinent that when asked what she would have done differently as part of the disciplinary hearing Miss Johnson had stated that “*she would have been a lot more vigilant. She would also have set clear expectations and boundaries for the class and she would have exerted more control over their free time*”. The panel found that Miss Johnson was aware of how she should have handled the lesson and had clear insight into what she had done wrong.

The panel also noted that Miss Johnson stated that she was told by her new employer that the Headteacher at the School gave her a glowing reference and spoke very highly of her during the time in the School.

The panel also noted that, save for this one incident, Miss Johnson had an unblemished record, over the 6-year period she was at the School. The bundle contained a lesson observation from 3 November 2021 and, although it was noted that Miss Johnson “*needed to have presence and to conduct the class*”, no support plan was put in place and there was nothing in the evidence to suggest that any further action was taken in this regard. In fact, the observation noted that Miss Johnson was able to be reflective following the observation.

Taking these factors into account the panel was satisfied that the risk of repetition was low particularly given that Miss Johnson was able to clearly articulate what she should have done differently and had been described as reflective which indicated a propensity to learn from her mistakes.

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 considered its decision thoroughly and was of the view that, applying the standard of the ordinary intelligent citizen, recommending no prohibition order was a proportionate and appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum and, having considered the mitigating factors that were present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.

On the basis that Miss Johnson had shown insight into her misconduct and had demonstrated how it would be avoided in the future, the panel was of the view that prohibiting Miss Johnson would not produce any material change in the reflections that she had already exhibited or serve any useful purpose in terms of regulating the profession.

The panel considered that the publication of the adverse findings it had made was sufficient to send an appropriate message to the teacher as to the standards of behaviour that are not acceptable, and the publication would meet the public interest requirement of declaring proper standards of the profession.

## **Decision and reasons on behalf of the Secretary of State**

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

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

In this case, the panel has found 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 Miss Kerry Johnson should not be the subject of a prohibition order. The panel has recommended that the findings of unacceptable professional conduct and conduct likely to bring the profession into disrepute, should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Miss Johnson 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....,

- 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 Miss Johnson 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 Miss Johnson, 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, "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 expect teachers to have regard for the need to safeguard pupils' well-being, in accordance with statutory provisions." 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, "The panel considered that it was pertinent that when asked what she would have done differently as part of the disciplinary hearing Miss Johnson had stated that *"she would have been a lot more vigilant. She would also have set clear expectations and boundaries for the class and she would have exerted more control over their free time"*. The panel found that Miss Johnson was aware of how she should have handled the lesson and had clear insight into what she had done wrong." I have therefore given this element some weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "The panel noted the responsibility that teachers have for each child when a parent sends their child to school. This situation could have a potentially damaging impact on parents whose children were involved and also the public's view of the profession, the incident having taken place in a school setting." I am particularly mindful of the safeguarding failures 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 Miss Johnson herself and the panel comment, “The panel also noted that, save for this one incident, Miss Johnson had an unblemished record, over the 6-year period she was at the School. The bundle contained a lesson observation from 3 November 2021 and, although it was noted that Miss Johnson “*needed to have presence and to conduct the class*”, no support plan was put in place and there was nothing in the evidence to suggest that any further action was taken in this regard. In fact, the observation noted that Miss Johnson was able to be reflective following the observation.”

A prohibition order would prevent Miss Johnson 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 remorse. The panel has said, “The panel noted Miss Johnson’s letter of mitigation submitted as part of the bundle, in which she stated that this was her first error and that she is “*extremely sorry to both the school and the students that were involved*”. Miss Johnson further stated that she had faced School investigation meetings and disciplinary hearings with apologies and remorse and had cooperated positively, and that it was never her intention to cause any harm or distress to pupils.”

I have also placed considerable weight on the finding of the panel that “as soon as Miss Johnson became aware of what had happened she reported the incident and, although there were questions around whether this was handled correctly, she dealt with the incident immediately and recognised the potential for harm and the importance of safeguarding these children.”

The panel also weighed in the balance the fact that the conduct found proven involved isolated incidents on two separate days and was the product of a singular set of circumstances.



I have considered the risk of repetition and given the following comment weight in reaching my decision “the panel was satisfied that the risk of repetition was low particularly given that Miss Johnson was able to clearly articulate what she should have done differently and had been described as reflective which indicated a propensity to learn from her mistakes.”

I have given weight in my consideration of sanction to the contribution that Miss Johnson has made to the profession. Although the findings are serious, Miss Johnson did show a level of insight and remorse, and panel felt the risk of repetition was low.

For these reasons, I have concluded that a prohibition order is not proportionate or in the public interest. I consider that the publication of the findings made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable and that the publication would meet the public interest requirement of declaring proper standards of the profession.

A handwritten signature in black ink, appearing to read 'S Buxcey', with a horizontal line underneath the first few letters.

**Decision maker: Sarah Buxcey**

**Date: 28 November 2023**

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