



Teaching  
Regulation  
Agency

# **Ms Jill Turetzky: Professional conduct panel outcome**

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

**February 2024**

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

**Teacher:** Ms Jill Turetzky  
**TRA reference:** 19393  
**Date of determination:** 22 February 2024  
**Former employer:** Oasis Academy Putney

### **Introduction**

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened by virtual means on 19 to 23 February 2024 to consider the case of Ms Jill Turetzky.

The panel members were Mr Duncan Tilley (lay panellist – in the chair), Ms Jo Palmer-Tweed (teacher panellist) and Mrs Cathy Logan (teacher panellist).

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

The presenting officer for the TRA was Ms Sarah Vince of Browne Jacobson LLP solicitors.

Ms Turetzky was present and was represented by Ms Maria Aisha of Cornwall Street Barristers, instructed by Thompsons Solicitors.

The hearing took place in public, save that some confidential matters were heard in private. The hearing was recorded.

## Allegations

The panel considered the allegations set out in the notice of proceedings dated 24 November 2024. The panel were informed at the outset of the hearing that the school named in the allegations contained in the notice of proceedings was incorrect. The panel was asked to amend the name of the school to Oasis Academy Putney. Ms Turetzky did not object to the amendment. The panel agreed to the amendment, it being of the nature of a typographical amendment that would not have affected Ms Turetzky's defence of the allegations. There would be no prejudice caused to Ms Turetzky by the amendment. The panel therefore agreed to the amendment. The amended allegations considered by the panel were as follows:

It was alleged that Ms Turetzky was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed at Oasis Academy Putney:

1. On or around 24 January 2020, she engaged in inappropriate physical contact with Pupil A, including by:
  - a. pulling him up from the floor by his arms;
  - b. placing her arm across his upper chest and/or neck area;
  - c. lifting him off the floor to carry him across the playground;
  - d. continuing her physical intervention on Pupil A despite him showing signs of distress and/or stating that he was unable to breathe.
2. Her conduct, as may be found proven at allegation 1. above, caused distress to Pupil A

Allegations 1.a. and 1.b. were admitted. Allegation 1.c. was not admitted. Allegation 1.d. was admitted in respect of having continued physical intervention on Pupil A despite him showing signs of distress, but not in respect of continuing physical intervention despite Pupil A stating that he was unable to breathe. To the extent allegation 1.a., 1.b. and 1.d. were admitted, it was admitted that her conduct caused distress to Pupil A.

At the outset of the hearing, Ms Turetzky did not admit unacceptable professional conduct or conduct that may bring the profession into disrepute. During the course of her oral evidence, she accepted that the conduct that she had admitted did amount to unacceptable professional conduct.

## Preliminary applications

### Application to admit hearsay evidence

The presenting officer applied to admit the witness statement and exhibit of Witness A, save for specified extracts which contained personal opinions the witness held about Ms Turetzky. The presenting officer made submissions that:

- whilst the evidence from this witness was essential, it was not the sole evidence to all of the allegations;
- admissions had been made by Ms Turetzky in line with some of the hearsay evidence;
- the witness had provided a relatively contemporaneous account of events in written format;
- there was good reason for the absence of the witness as evidenced by medical evidence attached to the application; and
- the TRA had been unable to secure attendance due to the witness' vulnerability.

Ms Turetzky's representative objected to this application on the basis that Ms Turetzky would be deprived of the ability to have Witness A's evidence tested by way of cross-examination, and that this would be prejudicial to Ms Turetzky. Ms Turetzky's representative made representations that:

- Witness A's evidence was the sole and decisive evidence in relation to allegation 1.c.;
- Witness A expressed opinions in his witness statement that indicated the credibility of his evidence was in question and Ms Turetzky would wish to have the evidence tested;
- Ms Turetzky had not been made aware of the application until Friday 16 February 2024 and no good explanation had been given as to why Ms Turetzky was notified of the hearing at such a late stage of the hearing preparation;
- No evidence has been provided as to whether special measures had been explored with Witness A and whether this could have secured his attendance; and
- it appeared that Witness A was refusing to attend to give evidence.

Under paragraph 5.33 of the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 ("the Procedures") the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that the witness statement was relevant to the case since it contained Witness A's account of the incident that is the subject of the allegations in this case and which he observed.

The central question for the panel was whether it is fair in the circumstances to allow evidence to be put forward by the Presenting Officer without the opportunity for the witness to be cross-examined by Ms Turetzky's representative.

The panel considered the importance of the evidence and whether it constituted a critical part of the evidence against the teacher. The panel did not consider Witness A's evidence to be the sole and decisive evidence relating to any of the allegations since the incident was recorded on CCTV and the footage was available for the panel to view.

The panel understood that there were good reasons for Witness A not to be in attendance. However, the panel took account of the efforts made to secure the attendance of the witness and concluded that there was a paucity of information as to whether Witness A could be able and willing to attend in the future. The panel considered that efforts could have been made earlier to liaise with Witness A regarding his attendance which could have enabled Ms Turetzky to have earlier notice that Witness A was not to be in attendance.

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

In the circumstances, given that:

- there was insufficient information available as to whether Witness A could, in the future, give evidence;
- that Ms Turetzky had not received adequate prior notice of the application; and
- the seriousness of the allegations in this case

the panel concluded that the right to a fair hearing entitled the teacher to have the opportunity to cross-examine this witness.

With regard to the overall question of fairness, the panel decided that it would not be fair to admit the witness statement of Witness A and its exhibit.

### **Application to admit late documents**

Ms Turetzky's representative applied to admit a witness statement of Ms Turetzky dated 16 February 2024, her C.V., [REDACTED], certificates of achievement, thank you notes and testimonial evidence. Ms Turetzky's representative made representations that admission of the evidence caused little or no prejudice to the TRA, but that it would cause significant prejudice to Ms Turetzky if the evidence was not admitted.

The presenting officer made representations that the timescales set out in the Procedures for the provision of evidence were stipulated for good reason. Despite this, the evidence had not been forthcoming from Ms Turetzky or her representatives until 16 February 2024 and the morning of 19 February 2024, immediately before the hearing was due to commence.

The documents were not served in accordance with the requirements of paragraph 5.37 of the Procedures, and as such the panel is required to decide whether those documents

should be admitted under paragraph 5.34 of the Procedures at the discretion of the panel.

Under paragraph 5.33 of the Procedures, the panel may admit any evidence, where it is fair to do so, which may reasonably be considered to be relevant to the case.

The panel was satisfied that the documents may reasonably be considered to be relevant to the case. The witness statement was said to contain Ms Turetzky's account of the incident and the panel was aware that it would be helpful to understand this in advance of witnesses being called. It was also anticipated that it would create efficiencies in admitting the statement in order to reduce the time that would be required for Ms Turetzky's examination in chief.

The panel noted that there were aspects of the evidence that may pertain to Ms Turetzky's credibility, her propensity to have acted as alleged and to the circumstances in which she found herself at the time of the incident. This would be relevant to the panel's findings of fact and to whether any conduct found proven amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute. Other aspects of the evidence relied upon by Ms Turetzky would be relevant to mitigation if the hearing reached that stage.

The panel noted that some aspects of the evidence relied upon would be hearsay given that the doctor who provided a [REDACTED] and those who have provided testimonial evidence would not be in attendance. However, the panel noted that there is a distinction to be drawn between the situation when a presenting officer seeks to rely upon hearsay evidence, and the current situation when it is the defence seeking to introduce hearsay evidence, without the witness being in attendance. The former invokes considerations relating to the teacher's right to a fair hearing, whereas the latter does not, although there remains a question of the fairness between the parties. The panel considered it would be a sufficient safeguard for a hearsay warning to be given before the panel's determination on the facts.

With regard to the overall question of fairness, the panel probed why the documents were being presented at such a late stage. Ms Turetzky's representative explained that Ms Turetzky had been unable to finalise her witness statement until she was provided with the CCTV footage of the incident, and that this had not occurred until 23 January 2024. It transpired that Ms Turetzky had been given the opportunity to view the footage with her representatives on 20 February 2023 in the presence of a TRA officer. Following that, Ms Turetzky's representatives requested a copy of the footage. This was not provided, but there was no follow up of the request until 12 January 2024.

It was also explained by Ms Turetzky's representative that other aspects of the evidence relied upon by Ms Turetzky was ready to be submitted on 22 January 2024, but that her solicitors explained that the evidence would be submitted in its totality once her witness

statement was ready. Ms Turetzky's representative made representations that Ms Turetzky should not be prejudiced as a result as the fault did not lie with her.

The panel considered that the CCTV could have been provided earlier, but that Ms Turetzky's representatives could also have followed up on their request at an earlier stage.

However, given the prejudice that would be caused to Ms Turetzky in being unable to present the evidence she wishes to rely upon, the panel decided it would be fair to admit the documents.

### **Application to exclude the public from sections of the hearing**

Ms Turetzky's representative applied to exclude the public from parts of the hearing for matters relating to Ms Turetzky's [REDACTED]. There was no objection by the presenting officer.

The panel considered whether to exercise its discretion under paragraph 5.85 of the Procedures to exclude the public from part of the hearing.

The panel has determined to exercise its discretion under paragraph 5.85(ii) of the Procedures that the public should be excluded from parts of the hearing.

The panel took into account the general rule that hearings should be held in public and that this is generally desirable to maintain public confidence in the administration of these proceedings and also to maintain confidence in the teaching profession. On this occasion, however, the panel considered that the request for parts of the hearing to take place in private was a reasonable one given that those parts related to confidential and personal matters only.

## **Summary of evidence**

### **Documents**

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

Section 1: Chronology and anonymised pupil list – pages 5 to 6

Section 2: Notice of proceedings and response – pages 7 to 21

Section 3: Teaching Regulation Agency witness statements – 23 to 32 but excluding the witness statement determined not to be admissible at pages 29 to 32

Section 4: Teaching Regulation Agency documents – pages 33 to 255



Section 5: Teacher documents – pages 256 to 272

In addition, the panel agreed to accept the following:

Section 6: Teaching Regulation Agency Application documents – pages 273 to 294

(Application – pages 273 to 278; Redacted emails and medical note – pages 279 to 293; amended allegation – page 294)

Section 7: Supplemental Teacher documents – pages 295 to 381

(Witness statement of Ms Turetzky - pages 295 to 311; C.V. – pages 312 to 314; certificates – pages 315 to 332; thank you notes and testimonial evidence – pages 333 to 381).

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing and the additional documents that the panel decided to admit.

## **Witnesses**

The panel heard oral evidence from Witness B - [REDACTED], called by the presenting officer.

The panel also heard oral evidence from Ms Turetzky.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

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

From 1992 until 2014, Ms Turetzky taught English as a second language in an elementary school in [REDACTED]. She subsequently moved to the UK and taught in a primary school from December 2014 until December 2016 and an infant school from January 2017 until July 2019. Ms Turetzky then commenced employment as a primary school teacher with Oasis Academy Putney (“the School”) on 1 September 2019. On 24 January 2020, the alleged incident with Pupil A occurred. On 28 January 2020, Ms Turetzky was suspended and she resigned from her position on 3 June 2020. On 7 July 2020, the School referred Ms Turetzky to the TRA.

Pupil A was a vulnerable pupil in Ms Turetzky’s class and a year 1 pupil. [REDACTED]

## **Findings of fact**

The findings of fact are as follows:

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

**Whilst employed at Oasis Academy Putney:**

**1. On or around 24 January 2020, she engaged in inappropriate physical contact with Pupil A, including by:**

**a. pulling him up from the floor by his arms;**

Ms Turetsky admitted this allegation.

There was no dispute that Pupil A had refused to return to the classroom following the lunch time break and that Ms Turetzky had told the children to play “ring a ring a roses” whilst she went to talk with Pupil A.

The panel watched the CCTV footage of the incident. The CCTV footage was of good quality and the panel were able to see clearly the incident occurring in the playground. The panel observed that Pupil A had been inside a wooden “teepee” structure in the playground. The panel saw on the footage that Ms Turetzky spoke to Pupil A through the entrance of the teepee, and Witness B was positioned on the other side of the teepee and looking inside. Ms Turetzky spoke with Pupil A for approximately 20 seconds. The panel observed that Ms Turetzky then pulled Pupil A up from the floor by his arms and out of the teepee.

Witness B also stated in his witness statement that Ms Turetzky caught Pupil A and dragged him out and that he believed she held on to his arm and that she “just yanked him out”. A handwritten statement that Witness B prepared on the day of the incident confirmed that Ms Turetzky grabbed Pupil A’s arm and pulled him out.

Based on the panel’s observation of the CCTV footage, Ms Turetzky’s admission and Witness B’s account of what he saw, the panel found the fact of this allegation proven.

The panel then considered whether Ms Turetzky’s physical contact with Pupil A was inappropriate. The panel noted the School’s Physical Intervention Policy, implemented in November 2010, provided circumstances in which physical intervention may be justified. It is clear from this that physical intervention should be used only as a last resort, and that other non-physical strategies for diffusing the situation should be tried first. The panel noted that the CCTV footage only showed approximately 20 seconds of talking with Pupil A before Ms Turetzky proceeded to pull him up from the floor by his arms. Ms Turetzky accepted in her witness statement for these proceedings that on reflection, Pupil A could have remained in the teepee under supervision until he was ready to return to the classroom. In oral evidence, Ms Turetzky accepted that there were other strategies she could have utilised and the physical intervention she deployed was not a last resort.

The policy also refers to physical intervention being acceptable only to prevent further risk or injury to any individual or serious harm to property. Further, any physical response must be used only where essential and in proportion to an immediate and physical risk. Ms Turetzky stated during the School's investigation of the incident that Pupil A was a danger to himself and others. That explanation was repeated in a chronology Ms Turetzky prepared during the course of the present proceedings in which Ms Turetzky stated that she "used reasonable force, at this point he was a danger to himself and others". After viewing the CCTV footage in preparing for this professional misconduct hearing, Ms Turetzky provided a witness statement on 16 February 2024 stating that Pupil A was not in danger or endangering anyone else. She confirmed this position in her oral evidence.

Witness B also stated that there was no danger to Pupil A that meant he could not remain in the teepee with an adult present.

The panel's perception of the CCTV footage was that there appeared to be no imminent or physical risk to Pupil A or others.

The policy states that care must be taken not to over-react. In oral evidence Ms Turetzky accepted that she had over-reacted on this occasion.

The policy also states that it is important that staff who may be called upon to use this form of intervention have previously received guidance on non-harmful methods of physical intervention which should only be used in appropriate circumstances, when other forms of control have been tried and have failed. Ms Turetzky confirmed in oral evidence that she had never been trained in physical restraint.

The policy also states that physical intervention is not and should never be a punitive measure and never be used simply to secure compliance with staff instructions. Ms Turetzky accepted that her actions "fell foul" of this requirement.

For these reasons, the panel considered that Ms Turetzky engaged in inappropriate physical contact with Pupil A.

**b. placing her arm across his upper chest and/or neck area;**

Ms Turetzky admitted this allegation.

The panel watched the CCTV footage of the incident. The panel clearly observed that after Ms Turetzky pulled Pupil A from the teepee she placed her arm to the side of Pupil A's neck and across his upper chest.

The panel found the facts of this allegation proven.

The panel found Ms Turetzky's actions to be inappropriate for the reasons referred to in allegation 1.a. above. In addition, the School's Physical Intervention Policy stated that

techniques for physical intervention should not impede breathing, inflict pain and should avoid vulnerable body parts. Ms Turetzky stated in oral evidence that it had not been her intention to inflict pain, and she had not believed that her actions impeded his breathing. However, she accepted that she had failed to avoid vulnerable parts of Pupil A's body. The panel considered that the restraint used by Ms Turetzky had entailed a risk of injury to Pupil A especially given that he was a young child of approximately 6 years old.

For these reasons, the panel considered that Ms Turetzky engaged in inappropriate physical contact with Pupil A.

**c. lifting him off the floor to carry him across the playground;**

Ms Turetzky denied this allegation. On re-watching the CCTV footage during the hearing, in oral evidence Ms Turetzky told the panel that she saw that only Pupil A's toes were on the floor, whereas she has previously believed Pupil A's feet were on the floor. Ms Turetzky then admitted that Pupil A "was lifted somewhat off the ground".

The panel watched the CCTV footage of the incident before the hearing, during the hearing and repeatedly during its deliberations. The panel observed Ms Turetzky pulling up Pupil A using the hold described in allegation 1.b. above so that Pupil A's back was arched and momentarily only the tip of Pupil A's toes on one foot remained in contact with the floor. The panel's perception was that Pupil A was momentarily lifted off the ground prior to being propelled across the playground, so that he was not in a position to fully bear his own weight. The panel considered that Ms Turetzky's intention in lifting Pupil A upwards off the floor had been to ensure he crossed the playground, effectively to carry him as she was not permitting him to entirely bear his own weight.

Based on the panel's observations of the CCTV footage the Panel found the facts of this allegation proven.

For the reasons referred to above, the panel considered that Ms Turetzky engaged in inappropriate physical contact with Pupil A.

**d. continuing her physical intervention on Pupil A despite him showing signs of distress and/or stating that he was unable to breathe.**

Ms Turetzky admitted that she had continued her physical intervention on Pupil A despite him showing signs of distress.

Ms Turetzky did not admit that she continued her physical intervention on Pupil A despite him stating that he was unable to breathe.

The panel watched the CCTV footage of the incident. The panel observed that Ms Turetzky continued her physical intervention on Pupil A as she propelled him, using the hold referred to in allegation 1.b. above, across the playground to the entrance of the classroom. The panel observed that Pupil A demonstrated signs of distress as he sought

to pull Ms Turetzky's arm from across his chest, his mouth was moving and he was clearly saying or shouting something, but there was no audio facility for the panel to hear this.

Witness B's statement prepared for the purpose of the School's investigation stated that when they returned to the classroom Ms Turetzky had held Pupil A in the corner and Pupil A was shouting that he could not breathe. He stated that after the doors were locked and after a couple of minutes Ms Turetzky let Pupil A go. He stated that Pupil A ran out of the classroom and started to cry. In Witness B's witness statement for the present proceedings, he stated that after Ms Turetzky had dragged Pupil A out of the teepee, Pupil A was screaming that he could not breathe, and that Ms Turetzky had ignored him and carried on taking him into the classroom. His evidence remained consistent that Ms Turetzky continued to hold on to Pupil A after they returned inside, and that once the doors were locked she released him. In oral evidence Witness B stated that he had heard Pupil A shouting that he could not breathe as they came in through the classroom door. Whilst there were discrepancies as to when he heard Pupil A shouting that he could not breathe, the panel considered that this was understandable given the passage of time, but that Witness B remained adamant that he had heard this.

The panel was provided with two accounts given by Pupil A within the hearing bundle. Pupil A did not give oral evidence, and the panel therefore considered the admissibility of these notes. The panel considered it understandable that Pupil A had not been called to give oral evidence. His evidence was also not sole or decisive, given the availability of the CCTV footage and the evidence of Witness B. The panel considered Pupil A's evidence to be admissible but treated it with significant caution. The panel noted that there were inconsistencies with Witness B's account. Pupil A referred to having reported that "he got strangled"; that he was "breathing tiny-air" and his other account stated that he "got pulled out and strangled round the neck"; that he "didn't like it when Mrs Turetzky strangled" him, "it was too hard" and he "couldn't breathe". He reported that "It stopped my breathing too" and that he was "upset like a camel. Camels cry for a long time – all day and night".

Ms Turetzky gave oral evidence that she recalled Pupil A yelling but that she did not recall Pupil A stating that he could not breathe, and she had not heard him use those words. She stated that she did not know if Witness B had been mistaken. The panel considered Ms Turetzky's account to be credible, she reflected on her actions and made concessions as to what she might have done differently. However, the panel considered that it was likely Ms Turetzky had not appreciated what Pupil A was shouting given that she was caught up in the momentum of the incident.

Given the panel's observations of the CCTV footage, Witness B's evidence and Ms Turetzky's evidence that Pupil A had been yelling, the panel considered that it was proven that Ms Turetzky had continued her physical intervention on Pupil A in the playground and within the classroom despite him showing signs of distress. The panel

also considered that Ms Turetzky had continued her physical intervention on Pupil A and it was more likely than not that this was despite him stating that he was unable to breathe.

For the reasons referred to above, the panel considered that Ms Turetzky engaged in inappropriate physical contact with Pupil A.

## **2. Her conduct, as may be found proven at allegation 1 above, caused distress to Pupil A**

Ms Turetzky admitted this allegation to the extent it related to admissions she had made. For the reasons referred to above the panel considered that, on the balance of probabilities, her conduct as found proven caused distress to Pupil A.

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

Having found all 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 Ms Turetzky in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Ms Turetzky 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...

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 Ms Turetzky in relation to the facts found proved, involved breaches of Keeping Children Safe In Education (“KCSIE”) as her actions fundamentally undermined the requirement to keep children safe.

The panel was satisfied that the conduct fell significantly short of the standard of behaviour expected of a teacher.

The panel also considered whether Ms Turetzky's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice.

The panel found that none of these offences were relevant. The panel did not consider this to be a case involving behaviours associated with child cruelty as there did not appear to be any intention to cause Pupil A harm.

The panel considered the circumstances applicable at the time of the incident. The panel accepted that Ms Turetzky was experiencing personal difficulties at the time [REDACTED].

With regard to whether there was adequate support available, the panel noted that the School's policies were clear as to what was required, and contained alternative strategies for managing pupils. Witness B stated that Pupil A required the intervention of the Senior Leadership Team on an almost daily basis, and therefore it was quite usual for support to be sought and provided. Whilst there may have been pressures on that day, in terms of preparing for a parent's evening, and allowing Witness B to have a lunch break before attending a meeting with his mentor, the safety of Pupil A should have taken precedence.

The panel was satisfied that the conduct was sufficiently serious that Ms Turetzky was guilty of unacceptable professional conduct.

The panel went on to consider whether Mrs Turetzky was guilty of conduct that may bring the profession into disrepute.

The panel took into account the way the teaching profession is viewed by others, the responsibilities and duties of teachers in relation to the safeguarding and welfare of pupils and considered the influence that teachers may have on pupils, parents and others in the community. The panel also took account of the uniquely influential role that teachers can hold in pupils' lives and the fact that pupils must be able to view teachers as role models in the way that they behave.

In considering the issue of disrepute, the panel also considered whether Ms Turetzky's conduct displayed behaviours associated with any of the offences in the list that begins on page 12 of the Advice. As referred to above, the panel found that none of these offences were relevant.

The panel considered that Ms Turetzky's conduct could potentially damage the public's perception of a teacher, if it were not dealt with seriously.

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

## Panel's recommendation to the Secretary of State

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

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

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

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

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

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

The panel decided that there was a strong public interest consideration in retaining the teacher in the profession, since she is able to make a valuable contribution to the profession. In this case, the panel considered that Ms Turetzky's ability as an educator outweighed the adverse public interest considerations present in this case.

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

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



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

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

abuse of position or trust (particularly involving vulnerable 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);  
and

violation of the rights of pupils.

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

There was no evidence that Ms Turetsky's actions were not deliberate.

There was no evidence to suggest that Ms Turetsky was acting under extreme duress, e.g. a physical threat or significant intimidation. Ms Turetsky referred to the stress on that day of preparing for a parent's evening, the pressure she felt to perform well, and her personal circumstances at the time, [REDACTED]. Nevertheless, Ms Turetsky made clear that this information was not being provided by way of any excuse for her actions. Ms Turetsky was clear that she had acted inappropriately.

Ms Turetsky did have a previously good history, having demonstrated exceptionally high standards in both her personal and professional conduct and having contributed significantly to the education sector, as evidenced by the testimonial references provided attesting to her career that has spanned over three decades. The panel accepted that the incident was out of character.

The panel saw professional references provided around the time of Ms Turetsky's application to the School. One referred to Ms Turetsky's lessons having been taught to a high standard; the children having a good rapport with her and that she managed challenging behaviour calmly and professionally. Another referred to Ms Turetsky as being caring and compassionate towards her pupils, and her dedication to her job. A referee described working with Ms Turetsky in a newly opened annex away from a main school to accommodate an influx of pupils to the area, many of whom spoke very little or no English. She referred to having no doubt that Ms Turetsky had the experience to enable her to manage the annex on occasions in the referee's absence and handle any unforeseen matter professionally and courteously. She referred to Ms Turetsky being fully aware that in the event of urgent matters including safeguarding she would contact the main school. She referred to Ms Turetsky having differentiated for pupils and having been very impressed with the progress her pupils made with their English language skills.

A fellow teacher at the School referred to Ms Turetzky as a “super team player, regularly sharing good practise [sic] and offering mentoring to her colleagues and being a compassionate and caring individual.” It referred to Ms Turetzky being a “lovely role model, to staff and pupils alike.”

A teaching assistant and translator who worked with Ms Turetzky teaching a class of Afghan refugees between November 2021 and July 2022 referred to Ms Turetzky exemplifying all the qualities that a teacher needs. He referred to her empathy, particularly given the many emotional and educational challenges of working with a class of refugees, and her commitment to her work.

The panel received a bundle of further references immediately before the commencement of the professional conduct hearing from those who have worked with Ms Turetzky subsequent to the incident, those who worked with her in the USA, former students and friends. They all attested positively to her character and professional behaviour. The panel noted that subsequent to the incident one referee described Ms Turetzky as caring and compassionate towards her pupils, that she loved her job and was dedicated to it. Another referred to Ms Turetzky’s approach to teaching being “not only professional but also marked by a rare combination of gentleness, kindness and warmth” and that “these qualities created a positive and inclusive atmosphere, crucial for the well-being of students who were navigating the challenges of adapting to a new country, school and language.”

Since resigning from her position at the School Ms Turetzky has chosen to work with children with special educational needs [REDACTED]. Ms Turetzky has developed a particular interest in working with such pupils and clearly enjoys this work. She has done this successfully for two years without incident.

The panel has been provided with a collection of certificates confirming Ms Turetzky’s continuous professional development. These evidence that Ms Turetzky sought and undertook a significant amount of introductory training to develop her skills in managing the behaviour, safeguarding and wellbeing of such pupils, those being relevant areas to address in order that she could learn from the incident. It was apparent that Ms Turetzky had undertaken steps to manage situations in the future and thereby mitigate any future risk of repetition.

The panel was also provided with a number of thank you cards, including pictures, from pupils she had taught both before and after the incident, who refer to Ms Turetzky’s kindness and what she had taught them.

The panel was satisfied that Ms Turetzky had developed insight into her actions and is remorseful for them. She referred to the wellbeing of Pupil A and his mother having been very much always on her mind and that she reflects on the impact of her actions on a daily basis and how they would have affected him. She referred to feeling a great deal of

guilt for the incident and said that it has “laid a shadow on who I am”. She acknowledged she had let her colleagues down and had let the School down.

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, the recommendation of no prohibition order would be both a proportionate and an appropriate response. Given that the nature and severity of the behaviour were at the less serious end of the possible spectrum, it being a one off incident, 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. 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/or conduct that may bring the profession into disrepute.

The panel has made a recommendation to the Secretary of State that the findings of unacceptable professional conduct and/or 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 Ms Turetzky 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...
- 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 Ms Turetzky involved breaches of the responsibilities and duties set out in statutory guidance, Keeping children safe in education (KCSIE).

The panel finds that the conduct of Ms Turetzky fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include inappropriate physical contact with a pupil which caused that pupil distress.

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 Ms Turetzky, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children/safeguard pupils. The panel record that it "...was satisfied that the conduct of Ms Turetzky in relation to the facts found proved, involved breaches of Keeping Children Safe In Education ("KCSIE") as her actions fundamentally undermined the requirement to keep children safe." 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 set out as follows, "The panel was satisfied that Ms Turetzky had developed insight into her actions and is remorseful for them. She referred to the wellbeing of Pupil A and his mother having been very much always on her mind and that she reflects on the impact of her actions on a daily basis and how they would have affected him. She referred to feeling a great deal of guilt for the incident and said that it has "laid a shadow on who I am". She acknowledged she had let her colleagues down and had let the School down." In my judgement, this evidence of Ms Turetzky's insight into and remorse for her actions

means that there is a low risk of the repetition of this behaviour. 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 that, “Ms Turetzky’s conduct could potentially damage the public’s perception of a teacher, if it were not dealt with seriously.” I am particularly mindful of the finding of inappropriate physical contact with a pupil in this case and the potential negative impact that such a finding could have 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 Ms Turetzky herself. The panel note that it considered a number of pieces of evidence testifying to her good character and contribution to the teaching profession over an extended period of time. The panel also considered evidence suggesting that Ms Turetzky had made a significant contribution as an educator, including her work with vulnerable children.

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

In this case, I have placed considerable weight on the panel’s comments concerning the degree of insight that Ms Turetzky has demonstrated into what appears to be a one-off incident, her previous good character, her contribution to the profession over a long period and the fact that, in its view, the misconduct found was at the less serious end of the possible spectrum.

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 "M. Cavey", enclosed within a thin black rectangular border.

**Decision maker: Marc Cavey**

**Date: 26 February 2024**

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