



Teaching
Regulation
Agency

Mr Odran Doran: Professional conduct panel outcome

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

March 2024

Contents

Introduction	3
Allegations	4
Preliminary applications	4
Application to adduce further evidence	7
Summary of evidence	8
Documents	8
Witnesses	9
Decision and reasons	10
Findings of fact	10
Panel's recommendation to the Secretary of State	18
Decision and reasons on behalf of the Secretary of State	21

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

Teacher: Mr Odran Doran
Teacher ref number: 8040943
Teacher date of birth: 7 December 1957
TRA reference: 18717
Date of determination: 8 March 2024
Former employer: The Bridge School, Ipswich

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened on 20 November 2023 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT, to consider the case of Mr Odran Doran.

The panel members were Ms Rachel Kruger (teacher panellist – in the chair), Ms Aruna Sharma (teacher panellist) and Mr Paul Hawkins (lay panellist).

The legal adviser to the panel was Miss Francesca Poole of Eversheds Sutherland (International) LLP.

The presenting officer for the TRA was Ms Kiera Riddy of Browne Jacobson LLP.

Mr Doran was present and was represented by Ms Melanie Williamson of St Phillips Chambers.

Pursuant to a case management decision dated 27 October 2021, the case of Mr Odran Doran was joined with the case of Teacher A.

Teacher A was present and was represented by Ms Megan Fletcher-Smith of Cornwall Street Chambers.

The hearing took place in public and was recorded.

Allegations

The panel considered the allegation(s) set out in the notice of hearing dated 8 September 2023.

It was alleged that Mr Doran was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst employed as Headteacher and/or Associate Headteacher of The Bridge School ('the School') between 1 September 1988 and 31 August 2018:

1. Mr Doran engaged in unprofessional and/or aggressive behaviour on one or more occasions towards one or more pupils, in that he:
 - a. Permitted and/or allowed the movement of one or more pupils to be restricted by secure mechanisms and/or locks;
 - b. Instructed and/or permitted that one or more pupils be restrained and/or detained in circumstances when it was not appropriate and/or reasonable.

Mr Doran denied the allegations, save for the sub paragraph of part 1a. Mr Doran denied that he was guilty of unacceptable professional conduct or conduct that may bring the profession into disrepute.

Preliminary applications

Document applications

The panel considered an application from the Presenting officer to admit three classes of document:

1. Responses provided by Teacher A to the notice of hearing dated 18 March 2020;
2. Investigation interview notes of Witness A and Witness B (and accompanying audit report); and
3. The witness statement of Individual C (which was already within the bundle, but an application was made to include the statement as hearsay evidence).

Mr Doran's representative applied to admit two documents:

4. A witness statement of the Witness I
5. A disputed bundle of unredacted documents

Teacher A's representative also made two applications:

6. A joint application with Mr Doran's representative to admit those parts of the disputed bundle which relate to Teacher A; and

7. An application to remove hearsay evidence within the bundle as specified by page number in the application

The panel noted that documents 1, 2 and 4 were not served in accordance with the requirements of paragraph 4.20 of the Teacher misconduct: Disciplinary procedures for the teaching profession April 2018 procedures (“the Procedures”). Therefore, the panel was required to decide whether the evidence should be admitted under paragraph 4.25 of the 2018 procedures.

The panel noted that there were no objections to the inclusion of documents 1, 2 and 4. The panel considered that the additional evidence was relevant. Accordingly, the panel decided to admit the evidence.

In relation to the applications by the Presenting Officer to include hearsay evidence within the bundle (i.e. document 3) and the application by Teacher A’s representative to remove hearsay in the bundle (document 7), the central question for the panel was whether it was 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 the teacher. In respect of document 3, the panel took account of the efforts made to secure the attendance of the witness and concluded this had not been possible as the witness was not willing to attend. The panel had regard to the seriousness of the allegations in this case, and that it is open to the panel to recommend prohibition in this case if the allegations are found proven.

The panel also considered the importance of the evidence and whether it constituted a critical part of the evidence against the teacher. The panel noted that the evidence was of a key witness to a central allegation in this case, however the panel noted that there was no objection in principle to this application by either teacher given the content of the witness statement of Individual C. In these circumstances, and given that efforts have been made to secure the attendance of the witness, the panel decided that there were sufficient safeguards to protect the teachers against any unfairness caused by being unable to cross-examine this witness. The panel noted they would be provided with a hearsay warning in due course, and that the panel would determine what weight, if any it should attach to the evidence when it came to their deliberations.

In relation to the applications by the Teachers’ Representatives to include hearsay evidence within the bundle (documents 4, 5 and 6), 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 had regard to whether it would be a sufficient safeguard for a hearsay warning to be given before the panel’s determination on the facts. The panel was satisfied that any imbalance caused to the presenting officer in being unable to cross-examine the witness could be

addressed by the panel's decision in due course as to what weight it should attach to the evidence, if such evidence should be admitted.

With regard to the overall question of fairness the panel noted it would be fair to admit the evidence for the following reasons, for the witness statements of Individual C and Witness I, the responses provided by Teacher A and the interview notes of Witness A and Witness B, the Panel noted that the evidence is not the sole or decisive evidence in relation to the allegations. The panel was confident in their ability to determine in due course the weight that they gave to such evidence.

By reason of the above, the panel decided to admit each of the documents. Accordingly, the documents were added to the bundle or remained in the bundle as applicable.

Application for virtual witness attendance

An application was made by the Presenting Officer for the virtual attendance of one witness, Witness D at Suffolk County Council. An application was made by both Teacher's representatives for the virtual attendance of witnesses. The panel noted that pursuant to paragraph 4.18 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 therefore considered it had a discretion as to whether to allow Witness H, Witness E, Witness F, Witness G, Witness I, Witness J and Witness D to give evidence by video-link given the distance the witness would have to travel, the costs entailed and the witnesses' work commitments (and with specificity to Witness D, [REDACTED]). In exercising that discretion, the panel balanced its obligation to ensure that the teachers or presenting officer is not put at an unfair disadvantage, as against the panel's duty in the public interest to investigate the allegations in so far as possible consistent with fairness to the teachers or presenting officer. The panel also took into account that there may be subtleties of tone or body language that might be lost via the medium of video link.

The panel was satisfied on the evidence that there had been sufficient explanation as to how the witnesses' work commitments, [REDACTED] and costs of travel would be a barrier to their attendance in person.

Allowing the evidence to be given by video link ensures fairness in that all parties were fully able to present their case. The public interest is in favour of the allegations being investigated by the panel receiving the evidence of these witnesses. The panel realised there may be subtleties of tone or body language lost via the medium of video link but considered that such matters could, in any event, be taken into account when assessing the weight it attributes to the evidence admitted by video link. The panel therefore decided they were content for the witnesses to provide evidence by video-link.

Application to amend an allegation

The panel considered an application by the presenting officer to amend the notice of hearing by amending allegation 1 against Mr Doran from 'You engaged in unprofessional and/or *aggressive behaviour* on one or more occasions towards one or more pupils' to 'You engaged in unprofessional and/or *inappropriate behaviour* on one or more occasions towards one or more pupils'. The panel has the power to, in the interests of justice, amend an allegation or the particulars of an allegation, at any stage before making its decision about whether the facts of the case have been proved.

Mr Doran's representative consented to the application, although noted that the application was made very late.

The panel was concerned that the amendment proposed altered the nature, scope and seriousness of the allegation. The panel decided the amendment would change the factual basis of the allegation, and that the teacher may have presented his case differently had the amendment been made at an earlier stage. The presenting officer had had ample opportunity to formulate the allegation in advance of the hearing and to amend the allegation at this stage would cause unfairness to the teacher. The panel did not consider that it was in the interests of justice to amend the allegation.

Application to adduce further evidence

Following the conclusion of the TRA's case and before Mr Doran's representative opened his case, an application was made by Mr Doran's representative to admit two further documents, specifically '*Government guidance on reducing the need for restraint and restrictive intervention dated 27 June 2019*' and '*Draft guidance for Department for Education – Reducing the need for restraint and restrictive intervention 'Children and Young People with Learning Disabilities, Autistic Spectrum Disorder and Mental Health Difficulties' – draft guidance for consultation – November 2017*'.

These documents were not served in accordance with the requirements of paragraph 4.20 of the Procedures, and as such, the panel was required to decide whether those documents should be admitted under paragraph 4.25 of the Procedures at the discretion of the panel. Under paragraph 4.18 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 not satisfied that the documents could reasonably be considered to be relevant to the case given that the guidance post-dated when it was alleged by the TRA that the conduct took place. Since the documents did not meet the threshold of relevance, it was unnecessary for the panel to consider the question of fairness. The panel therefore decided not to admit the documents.

Following closing of the TRA's case and before Mr Doran or Teacher A's case had been opened, an application was made by Teacher A's representative to adduce further documentation, specifically a number of testimonials and [REDACTED]. The panel were not asked to review the documents to determine the application. The panel noted the TRA's objection which noted that the documents were substantively prejudicial and not provided until 9:50am on the morning of the commencement of the teacher's evidence and on the same day of the application.

These documents were not served in accordance with the requirements of paragraph 4.20 of the Procedures, and as such, the panel was required to decide whether those documents should be admitted under paragraph 4.25 of the Procedures at the discretion of the panel. Under paragraph 4.18 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.

Considering the nature of the documents described, the panel considered they would have limited relevance to the facts at the stage of considering whether the facts have been proved and considering unacceptable professional conduct and/or bringing the profession into disrepute. However, the panel noted that a further application could be considered at the mitigation stage, should the panel reach that stage.

The panel did not consider it would be fair to admit the documents in all the circumstances. The panel found that Teacher A had already had a significant period of time to gather and serve these documents prior to the commencement of the hearing. The panel found that the documents were not produced at the earliest opportunity and having been adduced after the TRA's case had closed, the panel identified that there may be a risk that the TRA's case would be prejudiced by their late admittance. The panel therefore decided not to admit the documents.

Summary of evidence

Documents

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

Section 1: Chronology – pages 19 to 20

Section 2: Notice of hearing and response – pages 22 to 39

Section 3: Teaching Regulation Agency witness statements – pages 41 to 59

Section 4: Teaching Regulation Agency documents – pages 61 to 1603

Section 5: Teacher documents Mr Doran – pages 1605 to 2097

Section 6: Teacher documents Teacher A – pages 2099 to 2251

In addition, the panel agreed to accept the following:

Responses provided by Teacher A to the notice of hearing dated 18 March 2020 – 7 pages

Investigation interview notes of Witness A for Suffolk County Council and (and accompanying audit report) – 22 pages

A witness statement of Witness I – 5 pages

The disputed bundle of unredacted documents – 67 pages

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:

TRA witnesses:

- Witness A within Suffolk County Council
- Witness B at School's Choice
- Witness C of Riverwalk School
- Witness D at Suffolk County Council

Mr Doran's witnesses:

- Mr Doran
- Witness E at the Bridge School
- Witness F at the Bridge School
- Witness G at the Bridge School
- Witness H of the Bridge School
- Witness I
- Witness J at the Bridge School

Teacher A's witnesses:

- Teacher A
- Witness J at the Bridge School

Decision and reasons

The panel announced its decision and reasons as follows:

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

Mr Doran was appointed Deputy Headteacher at Belstead Special School in 1993, and later Headteacher of Heathside Special School in 1998. In 2010, The Bridge School was created by an amalgamation of former Heathside Special School (for secondary school pupils) and Belstead School (for primary school pupils) in Ipswich, with Mr Doran as Headteacher. The Bridge School caters for pupils with significant Special Educational Needs, and has a high proportion of students who have Autistic Spectrum Disorder (ASD) and Sensory Processing Disorders (SPD). The majority of the students at the Bridge School were either non-verbal or pre-verbal.

Until September 2015, the Bridge School operated over two separate sites, nine miles apart. In September 2015, a new primary school was built on what was previously the secondary school campus (formerly Heathside Special School), which had the result of bringing all pupils enrolled at the Bridge School within a single site in Ipswich.

Mr Doran continued in his role as Headteacher at the Bridge School until his retirement in August 2017. Mr Doran then became Associate Headteacher of the Bridge School and remained in this post until his suspension on 16 October 2017. Teacher A became [REDACTED], until his suspension in 8 November 2017.

In September 2017, concerns were raised by Suffolk County Council about the use of door locks in the Bridge School. An investigation was subsequently undertaken by Suffolk County Council.

Witness C of Riverwalk School, a neighbouring school for pupils with special educational needs was contacted and appointed to provide support to the Bridge School for half a term from 30 September 2017.

Findings of fact

The findings of fact are as follows:

Whilst employed as Headteacher and/or Associate Headteacher of The Bridge School ('the School') between 1 September 1988 and 31 August 2018:

- 1. You engaged in unprofessional and/or aggressive behaviour on one or more occasions towards one or more pupils, in that you:**
 - a. Permitted and/or allowed the movement of one or more pupils to be restricted by secure mechanisms and/or locks;**

Mr Doran admitted the sub paragraph of allegation 1a, namely that Mr Doran permitted and/or allowed the movement of one or more pupils to be restricted by secure mechanisms and/or locks. The panel found Mr Doran to be a credible witness as Mr Doran had made admissions and his account was consistent with the documentary evidence in relation to the allegation.

Calming rooms

A room known as the 'soft play' room was in use in the secondary campus at the Bridge School which included padded walls and soft-play cushions. Witnesses including Mr Doran and Teacher A described the room as having a three-quarter stable door with a bolt accessible from the corridor outside of the soft play room. The panel did not hear evidence of the date at which the soft play room was created, but Mr Doran gave evidence that this was used as a calming space prior to the introduction of the three calming rooms in 2015-2017. Mr Doran gave evidence that the bolt would be used to contain children if they were being aggressive and presenting a danger to themselves or others. The panel heard evidence from Mr Doran, Teacher A and Witness J that the pupil would always be observed by a member of staff whilst in the soft play room.

The Panel heard evidence from Mr Doran that when children displayed aggressive and dangerous behaviours, it wasn't always possible to safely escort these children the long distance from the classroom to the soft play room. As a result, Mr Doran sought to introduce calming rooms within some of the classrooms at the Bridge School.

Mr Doran gave evidence that in the Autumn term of 2015, a 2m by 2m office room within a classroom at the secondary campus was decommissioned, emptied of furniture and turned into a 'calming room'. Mr Doran gave evidence that the purpose of this room was to create a safe space for a particular pupil who was known to display violent and aggressive behaviour. Mr Doran provided evidence that there were occasions where behaviours escalated and that the pupil needed to be removed from the room and placed in the calming room in order to calm down. Mr Doran's evidence was that the calming room was intentionally bleak so as to assist the pupil in de-escalating, in that there were no wall displays or other stimuli. A beanbag was however included for the pupil to sit on. Mr Doran admitted that on occasion, the door to the calming room was locked to ensure the safety of staff and other pupils in the classroom. Mr Doran provided evidence that at all times a member of staff would have observed the pupil through a vision panel in the door to the calming room.

Mr Doran gave evidence that in January 2017 a second calming room was created within the secondary campus within a second classroom by decommissioning a large walk-in store room and removing the shelving, filing cabinets and furniture. A beanbag was provided within this calming room and a table was also present to allow work to be completed within the room if required. This calming room was created for Pupil L and was located within Pupil L's classroom. Pupil L was described by witnesses as a secondary school pupil having [REDACTED].

Mr Doran gave evidence that the third calming room in the secondary school was created in the spring term of 2017 by decommissioning another office within a classroom for another pupil [REDACTED]. All furniture and shelving was removed, and in this case, the room was fitted with wall and floor cushions, similar to the soft play room to protect the pupil should they feel the need to headbutt. Mr Doran gave evidence that occasionally the room would be locked to prevent the student from attacking staff.

The panel heard evidence from Witness C of Riverwalk School that there were at least 5-6 rooms in the secondary campus which had calming rooms. This was contrary to the evidence of Mr Doran who detailed three calming rooms and one soft play room. Mr Doran's evidence was supported by Witness G who described three calming rooms and one soft play room. The panel noted that Mr Doran and Witness G had spent more time at the school than Witness C of Riverwalk School and therefore, the panel preferred the evidence of Mr Doran and Witness G and found that on balance, there were three calming rooms and one soft play room in the Secondary campus.

The panel heard evidence from Witness J that the primary campus was designed with three calming rooms, however two calming rooms were ultimately built. This evidence was supported by Mr Doran, Teacher A and Witness A. The panel therefore found that on balance, there were two calming rooms in the primary school.

Use of locks

The panel had regard to the use of the electronic SALTO system on all doors within the primary campus. The panel heard evidence from Witness J, Witness A, Mr Doran and Teacher A that the operation of the SALTO system in the primary campus meant that if the door was closed, the application of the SALTO system would mean that the door was automatically locked. The panel heard evidence from Witness J that the calming rooms in the primary campus was not locked '*most of the time*'. The panel noted they did not have any incident records relating to the use of calming rooms on the primary campus. As a result, the panel felt they did not have sufficient evidence to decide, on balance, whether the calming rooms on the primary campus were locked to restrict the movement of pupils.

The Panel heard evidence from Mr Doran, Teacher A, Witness C of Riverwalk School, Witness D for Suffolk County Council, Witness J and Witness F that the calming rooms in the secondary school were fitted with locks. The panel found that multiple witnesses described the presence of locks on calming rooms and therefore on balance, that all calming rooms had locks.

The panel also had regard to Pupil L's behaviour support plan [REDACTED]. The panel also had regard to 127 incident report forms completed for Pupil L [REDACTED].

The panel heard evidence from Mr Doran and Teacher A that the incident report forms would be reviewed by Mr Doran or Teacher A to check whether there was any follow up needed.

The panel also had regard to an email sent by Mr Doran to Suffolk County Council on 27 September 2017 during his role as Associate Headteacher which read *'As you are aware, we have a number of young people at the school who can on occasions, sometime very regularly, exhibit severe challenging behaviours including physical violence against staff or other students. They can also put themselves in extreme danger during episodes of violent and challenging behaviour, and may cause major damage to resources, equipment and property. In order to prevent and manage such episodes we have, as part of carefully drafted behaviour support plans, agreed with parents and carers, used time out/calming rooms where the young person is placed so that they can be safe and also the staff and other students can also be safe during such episodes. These rooms are locked to prevent the young person from getting out and endangering themselves or others, or from wrecking rooms etc.'*

The panel had regard to the interview carried out by Witness B with Individual B on 13 February 2019 where when asked *'was the door locked once he had gone in?'* Individual B stated that *'yes. He knew it was locked and so would sit down on his beanbag which was in there.'* Although the panel noted that the Individual B was not called as a witness to give evidence and that the notes were hearsay evidence, the panel were mindful of the weight they applied to the evidence, and noted that it was not the sole or decisive evidence to support their finding. The panel therefore found on balance that Mr Doran in his role as Headteacher at the Bridge School had put systems in place (namely the lockable calming rooms described) which permitted and/or allowed the movement of one or more pupils to be restricted by secure mechanisms and/or locks. Taking into consideration all of the evidence, on balance, the panel found it proven that the calming rooms were locked on at least one or more occasions whilst a pupil was within the calming room.

Unprofessional and/or aggressive

The panel noted that Mr Doran had denied that he had acted unprofessionally or aggressively in permitting and/or allowing the movement of one or more pupils to be restricted by secure mechanisms and/or locks.

In considering whether permitting and/or allowing the movement of one or more pupils to be restricted by secure mechanisms and/or locks was 'unprofessional' and/or 'aggressive', the panel first noted that they had seen no evidence that Mr Doran had been aggressive on any occasion. On the contrary, the Panel heard evidence from Witness I, Witness H, Witness J, Witness F, Witness G, Witness E and Teacher A that Mr Doran cared deeply for the pupils at the Bridge School and that he was always calm, kind and supportive.

The panel heard evidence from Mr Doran that his motivation in permitting and/or allowing the movement of one or more pupils to be restricted by secure mechanisms and/or locks, was to manage behaviour and support pupils to de-escalate, with the overriding

motivation underpinning Mr Doran's actions being a desire not to permanently exclude pupils.

The panel heard evidence from Witness J, Witness I and Mr Doran of Mr Doran's policy against exclusion, and that Mr Doran gave evidence that in his 19 years as Headteacher of the Bridge School, he had never permanently excluded a pupil. When asked about his motivation for having a policy against exclusion, Mr Doran gave evidence that had he excluded a pupil, there would have been no other provision for the pupils and he wanted to ensure that the pupils were able to access education and to support the pupils' families.

In considering whether Mr Doran had acted unprofessionally in permitting and/or allowing the movement of one or more pupils to be restricted by secure mechanisms and/or locks, the panel considered the guidance applicable at the time.

The panel had regard to the '*Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who Display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders*' dated July 2002, (the 'Guidance'). The panel noted that this was referred to by Mr Doran in his witness statement and therefore found that he was aware of its existence. The panel also noted that the Guidance states at paragraph 2.1 '*This guidance should be used by: [...] Teachers and other staff working in schools catering for pupils with severe behavioural difficulties, for example, those with emotional and behavioural difficulties, autism and learning difficulties which can result in pupils displaying extreme behaviour*'.

The panel had regard to paragraph 4.1 which reads '*it is an offence to lock an adult or child in a room without a court order (even if they are not aware that they locked in) except in an emergency when for example the use of a locked room as a temporary measure while seeking assistance would provide legal justification.*' The panel noted that there was no evidence a court order was obtained in order to lock any pupil in the calming rooms.

Under paragraph 3.1 forms of physical intervention are summarised, notably '*Restrictive physical interventions*' which '*involve the use of force to control a person's behaviour and can be employed using bodily contact, mechanical devices or changes in the person's environment*'. One of the examples of restrictive physical interventions provided is '*forcible seclusion or the use of locked doors*'. The panel therefore considered that on balance, the placing of pupils in calming rooms and locking the door was a restrictive physical intervention for the purpose of the Guidance.

Paragraph 3.11 states '*To the extent that seclusion (where an adult or child is forced to spend time alone against their will) involves restricting a person's freedom of movement, it should be considered a form of physical intervention.*'

Paragraph 3.3 states '*It is helpful to distinguish between:*

- *planned intervention, in which staff employ, where necessary, pre-arranged strategies and methods which are based upon a risk assessment [...] and recorded in care plans*
- *emergency or unplanned use of force which occurs in response to unforeseen events.'*

Paragraph 3.10 helps with the definition of emergency intervention, stating '*Unplanned or emergency intervention may be necessary when a service user behaves in an unexpected way.'*

Paragraph 9.1 considers the emergency use of restrictive physical interventions; '*Emergency use of restrictive physical interventions may be required where service users behave in ways that have not been foreseen by a risk assessment.'*

The panel therefore found that as Mr Doran had described the calming rooms as having been created for the purpose of placing pupils in and locking the door, the use of locked calming rooms was a planned physical intervention. As the behaviour of the pupils who were placed in the locked calming rooms was known to be challenging, the panel considered that on balance these behaviours were not 'unexpected' and therefore the use of the locked calming rooms at the Bridge School did not fall within the definition of emergency intervention set out in the Guidance. The panel noted that it was possible that locking a pupil in a calming room could be justified in an emergency situation under the Guidance (specifically with reference to paragraph 9), the panel did not find that this applied to the facts found proven.

Paragraph 4.1 goes on to introduce one exception in the Guidance to the statement that '*it is an offence to lock an adult or child in a room without a court order*'. This exception reads: '*The use of double or high door handles in classrooms or locking outside doors, as a safety measure and/or security precaution when children are supervised by an adult would be considered a reasonable measure to prevent a significant risk of harm within a school's duty of care to its pupils.'*

At 4.3, the Guidance states '*Schools owe a duty of care to their pupils. Providers of health and social care services owe a duty of care towards all service users. The duty of care requires that reasonable measures are taken to prevent harm. Therefore, the use of 'high handles' that are beyond the reach of a child and the use locks or other security measures on outside doors to control visitor entry are permissible, if the child is supervised by an adult.'*

The Guidance goes on at paragraph 10.10 to state '*Children and service users who lack an awareness of danger may present a risk to themselves or others in public places and for this reason the use of locked doors may be considered. In these circumstances a court order should be obtained. This does not apply to the use of high or double handles in classrooms as a safety measure, or to locking or providing security on outside doors to control visitor entry, provided that children are supervised by an adult.'*

Although the panel heard evidence from Witness F, Witness J, Mr Doran and Teacher A that any pupil placed in a calming room would always be supervised, the panel distinguished the use of calming rooms from the exception set out at paragraph 4.1 and referenced in 4.3 and 10.10. The panel found that the Guidance made a distinction between the use of double or high door handles or outside doors as a safety measure to prevent pupils from leaving classrooms or school grounds where if they were to do so, they may be unsupervised, and the use of locking pupils in calming rooms which the panel found was a restrictive physical intervention. The panel therefore found that the use of locked calming rooms was contrary to the Guidance in that it was a planned physical intervention undertaken without a court order. The panel drew upon their experience and found that as the Headteacher of the Bridge School, Mr Doran would be expected to ensure compliance with Government guidance.

The panel therefore found that on balance, Mr Doran had acted unprofessionally in permitting and/or allowing the movement of one or more pupils to be restricted by secure mechanisms and/or locks.

1. You engaged in unprofessional and/or aggressive behaviour on one or more occasions towards one or more pupils, in that you:

b. Instructed and/or permitted that one or more pupils be restrained and/or detained in circumstances when it was not appropriate and/or reasonable.

Mr Doran denied allegation 1b.

Wheelchair

[REDACTED].

Use of beanbags

The panel considered the use of beanbags as a restraint. The Panel heard evidence from Witness C of Riverwalk school that she had witnessed beanbags be used as a restraint on a pupil. The panel also heard evidence from Witness F and Witness J that beanbags would be placed on a pupil's legs in order to prevent kicking. The panel noted that Witness F could not recall whether beanbags were a 'School Safe' approved technique included in training, although Witness J gave evidence that they had received internal and external training on the use of beanbags as a restraint. It was not possible for the panel to determine on balance whether the use of beanbags was a trained restraint.

The panel noted that Mr Doran did not recall beanbags being used as a restraint.

[REDACTED].

Use of locked calming rooms

By virtue of the panel's findings in respect of allegation 1a above, i.e. that placing a pupil in a locked calming room constituted a restrictive physical intervention that contravened

the Guidance, the panel found on balance that Mr Doran had acted unprofessionally in instructing and/or permitting that one or more pupils be restrained and/or detained in circumstances when it was not appropriate and/or reasonable.

The Panel therefore found allegation 1b was proven.

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

Having found the allegation proved, the panel went on to consider whether the facts of the proved allegation amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as “the Advice”.

The panel was satisfied that the conduct of Mr Doran in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Doran 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 Mr Doran amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Doran’s conduct displayed behaviours associated with any of the offences listed on pages 12 to 14 of the Advice. The panel found on balance that the offence of child cruelty and/or neglect was relevant to unprofessional behaviour in permitting or allowing the movement of pupils to be restricted by secure mechanisms and/or locks.

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.

Accordingly, the panel was satisfied that Mr Doran was guilty of unacceptable professional conduct.

The panel considered that conduct that may bring the profession into disrepute is conduct that could potentially damage the public's perception of a teacher, therefore bringing the teaching profession into disrepute.

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

The panel had regard to paragraph 30 of the Advice which states that where a teacher is found by a panel to have displayed behaviours associated with any of the offence types shown in the list that begins on page 12, but were not convicted of an offence, a panel is likely to conclude that those behaviours would amount to "conduct that may bring the profession into disrepute".

As referred to above, the panel found on balance that the offence of child cruelty and/or neglect was relevant to unprofessional behaviour in permitting or allowing the movement of pupils to be restricted by secure mechanisms and/or locks.

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

Having found the allegation proved, the panel further found that Mr Doran'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 within the teaching profession and whether prohibition strikes the right balance between the rights of the teacher and the public interest.

The panel's findings in relation to Mr Doran involved engaging in unacceptable professional conduct on one or more occasions towards one or more pupils, in that he permitted and/or allowed the movement of one or more pupils to be restricted by secure mechanisms and/or locks and instructed and/or permitted that one or more pupils be restrained and/or detained in circumstances when it was not appropriate and/or reasonable.

The panel found that there was a strong public interest consideration in respect of the protection of pupils, given the serious nature of their findings involving his conduct towards one or more pupils and the length of time over which the conduct took place.

Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found proven in relation to Mr Doran was not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found proven in relation to Mr Doran was outside that which could reasonably be tolerated.

Whilst there is evidence that Mr Doran was otherwise well regarded as a teacher, the panel considered that the adverse public interest considerations outweighed the interest in retaining Mr Doran in the profession, since his behaviour fundamentally breached the standard of conduct expected of a teacher.

In view of the clear public interest considerations that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Doran.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Doran. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- a serious departure from the personal and professional conduct elements of the Teacher's Standards;

- misconduct seriously affecting the education and/or 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 KCSIE);
- violation of the rights of pupils

The behaviour found proved in this case indicated that a prohibition order would be appropriate. The panel went on to consider if there were any mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was evidence that Mr Doran's actions were deliberate.

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

The panel noted that Mr Doran had a previous good record, demonstrated high standards and had made positive contributions to the education sector throughout his career. The panel noted that Mr Doran had a significant knowledge of ASD and had been asked by the Local Authority to share his knowledge across other Schools.

The panel took account of the extensive number of testimonials in the bundle from colleagues of Mr Doran, governors and parents of pupils at the Bridge School. Examples included '*He maintained his smile, his enthusiasm and dedication to the children and staff while creating best provision for them*' and '*In my experience he has worked tirelessly and strained every sinew in pursuit of the best interests of the children, staff, parents and carers in special needs education.*' The panel noted that the testimonials gave positive references in respect of Mr Doran's character and practice, and Mr Doran's commitment to his role.

The panel had regard to Mr Doran's statement to the panel. The panel noted that Mr Doran stated that he would never have done anything to betray the trust of parents, nor would he have ever intended to harm the pupils at the Bridge School. The panel noted Mr Doran's comments that if he had fallen short of that goal, he apologised. The panel noted that although Mr Doran stated that he respected the panel's decision, that at no point did Mr Doran acknowledge or address the potential impact of his conduct found proven on the pupils at the Bridge School. The panel felt this showed a lack of insight and remorse for his actions.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would

unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Doran of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Doran. The seriousness of the allegations found proven and the failure to maintain professional practice as a Headteacher (for example, by not following Government guidance) was a significant factor in forming that opinion. Accordingly, the panel made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period of the order. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes child cruelty and/or neglect. Despite this, the panel considered the case on its merits and took into account all of the circumstances of the case. The panel considered that there was no deliberate intention to be cruel to or to neglect a child, as supported by Mr Doran's statement to the panel that he would have never intended to harm the Pupils in any way and the testimonials provided to the panel which state Mr Doran sought to act in the best interests of the pupils. The panel found that the behaviour was not of a sufficient degree on the possible spectrum for the panel to consider this to be a case in which no review period was appropriate. However, the panel did not consider this to be a case in which the minimum period of 2 years for a review would be sufficient to meet the public interest considerations present in this case.

The panel considered that Mr Doran had limited insight or remorse into his actions, and as a result, the panel were concerned about the risk of repetition. The panel decided that the findings indicated a situation in which a review period would be appropriate and, as such, decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended with provisions for a review period of 5 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 Mr Odran Doran should be the subject of a prohibition order, with a review period of 5 years.

In particular, the panel has found that Mr Doran 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 Mr Doran, 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 Mr Doran fell significantly short of the standards expected of the profession.

The findings of misconduct are particularly serious as they include a finding of engaging in unacceptable professional conduct on one or more occasions towards one or more pupils.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct likely to bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered

therefore whether or not prohibiting Mr Doran, 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, “The panel found on balance that the offence of child cruelty and/or neglect was relevant to unprofessional behaviour in permitting or allowing the movement of pupils to be restricted by secure mechanisms and/or locks.” 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 has set out as follows, “The panel noted that Mr Doran stated that he would never have done anything to betray the trust of parents, nor would he have ever intended to harm the pupils at the Bridge School. The panel noted Mr Doran’s comments that if he had fallen short of that goal, he apologised. The panel noted that although Mr Doran stated that he respected the panel’s decision, that at no point did Mr Doran acknowledge or address the potential impact of his conduct found proven on the pupils at the Bridge School. The panel felt this showed a lack of insight and remorse for his actions.” In my judgement, the lack of 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 has observed that “public confidence in the profession could be seriously weakened if conduct such as that found proven in relation to Mr Doran was not treated with the utmost seriousness when regulating the conduct of the profession.” I am particularly mindful of the finding of engaging in unacceptable professional conduct on one or more occasions towards one or more pupils.

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 likely to bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Doran himself. The panel has noted that “Mr Doran had a previous good record, demonstrated high standards and had made positive contributions to the education sector throughout his career. The panel noted that Mr Doran had a significant knowledge of ASD and had been asked by the Local Authority to share his knowledge across other Schools.” The panel also took

account of an extensive number of testimonials from colleagues of Mr Doran, governors and parents of pupils which “gave positive references in respect of Mr Doran’s character and practice, and Mr Doran’s commitment to his role.”

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

In this case, I have placed considerable weight on the panel’s comments concerning the lack of insight or remorse. The panel has said, “Mr Doran had limited insight or remorse into his actions, and as a result, the panel were concerned about the risk of repetition.”

I have also placed considerable weight on the finding of the panel about the “seriousness of the allegations found proven and the failure to maintain professional practice as a Headteacher (for example, by not following Government guidance)”.

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Doran has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full insight and remorse, 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 5-year review period.

I have considered the panel’s comments “The Advice indicates that there are behaviours that, if proved, would militate against the recommendation of a review period. One of these behaviours includes child cruelty and/or neglect. Despite this, the panel considered the case on its merits and took into account all of the circumstances of the case. The panel considered that there was no deliberate intention to be cruel to or to neglect a child, as supported by Mr Doran’s statement to the panel that he would have never intended to harm the Pupils in any way and the testimonials provided to the panel which state Mr Doran sought to act in the best interests of the pupils. The panel found that the behaviour was not of a sufficient degree on the possible spectrum for the panel to consider this to be a case in which no review period was appropriate. However, the panel did not consider this to be a case in which the minimum period of 2 years for a review would be sufficient to meet the public interest considerations present in this case.”

I have considered whether a 5-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 allowing 2-year review period is not sufficient

to achieve the aim of maintaining public confidence in the profession. These elements are the serious nature of the unprofessional conduct and the lack of insight and remorse.

I consider therefore that a 5-year review period is required to satisfy the maintenance of public confidence in the profession.

This means that Mr Odran Doran is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children's home in England. He may apply for the prohibition order to be set aside, but not until 26 March 2029, 5 years from the date of this order at the earliest. This is not an automatic right to have the prohibition order removed. If he does apply, a panel will meet to consider whether the prohibition order should be set aside. Without a successful application, Mr Doran remains prohibited from teaching indefinitely.

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

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

A handwritten signature in black ink, appearing to read 'D Oatley', with a large, sweeping flourish at the end.

Decision maker: David Oatley

Date: 19 March 2024

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