



Teaching
Regulation
Agency

Mr Michael Good: Professional conduct panel outcome

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

October 2024

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Professional conduct panel decision

Teacher: Mr Michael Good

TRA reference: 21057

Date of determination: 16 October 2024

Former employer: St Anne's Roman Catholic High School, Stockport

Introduction

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 14 to 16 October 2024 by way of a virtual hearing, to consider the case of Mr Michael Good.

The panel members were Miss Louisa Munton (teacher panellist – in the chair), Miss Rachel Curry (lay panellist) and Mrs Emma Garrett (lay panellist).

The legal adviser to the panel was Mrs Samantha Cass of Birketts LLP solicitors.

The presenting officer for the TRA was Mr John Morrison of QEB Hollis Whiteman.

Mr Good was not present and was not represented.

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

Allegations

The panel considered the allegations set out in the notice of proceedings dated 5 July 2024.

It was alleged that Mr Good was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that whilst working as a supply teacher at St Anne's Roman Catholic Voluntary Academy:

1. On around 17 September 2021, he
 - a) Smacked and/or hit Pupil A on the arm and/or shoulder
 - b) Said to and/or about Pupil A that he was "a pathetic loser", or words to that effect;
 - c) Jabbed and/or poked Pupil B in the arm with a pen.

Mr Good denied allegations 1a), 1b) and 1c), as set out in the response to notice of hearing, signed by Mr Good on the 13 March 2024.

Preliminary applications

Application to proceed in the absence of the teacher

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

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was satisfied that the Notice of Proceedings had been sent to Mr Good in accordance with the Teacher misconduct: Disciplinary procedures for the teaching profession May 2020 (the '2020 Procedures').

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

The panel noted that Mr Good had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at a hearing. There was no medical evidence before the panel that Mr Good was unfit to attend the

hearing. The panel considered that it was in the public interest for the hearing to take place. It also considered the effect on the witnesses of any delay.

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

Summary of evidence

Documents

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

- Section 1: Chronology and list of key people – pages 4 to 5
- Section 2: Notice of hearing – pages 6 to 24
- Section 3: TRA witness statements – pages 25 to 30
- Section 4: TRA documents – pages 31 to 158
- Section 5: Teacher documents – pages 159 to 180
- Service bundle – 15 pages

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

Witnesses

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

- Pupil A
- Witness A, [REDACTED]
- Witness B, [REDACTED]

Decision and reasons

The panel announced its decision and reasons as follows:

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

On 17 September 2021, Mr Good commenced employment at St Anne's Roman Catholic Voluntary Academy ('the School'). The alleged incident occurred, and Mr Good is asked to leave the School site.

On 28 January 2022, a LADO meeting was held.

On 20 June 2022, Mr Good was found not guilty for the offence of battery at Greater Manchester Magistrates Court.

On 13 July 2022, a LADO meeting was held.

On 31 August 2022 the matter was referred to the TRA.

Findings of fact

The findings of fact are as follows:

1. On around 17 September 2021, you

a) Smacked and/or hit Pupil A on the arm and/or shoulder

The panel considered the witness statement of Pupil A, who stated that on 17 September 2021, he completed a handwritten incident reporting form at the School regarding an incident with Mr Good that occurred during the lesson. He stated that he also provided a witness statement to the police. Pupil A stated that within the statement he gave a detailed account of what happened during the lesson with Mr Good, and that, given the passage of time, he cannot recall the date he provided this statement to the police. Pupil A stated that Mr Good was charged with assault, and he gave evidence at court via video link. He stated that the court ruled that there was not actually enough evidence to convict Mr Good of assault.

The panel considered the oral evidence from Pupil A which was that Mr Good had "*hit [his] left shoulder*" when he was sat down turning around to "*help a mate*" (from the row behind) by speaking to him over his right shoulder whilst he was sat behind him. Pupil A said that Mr Good was writing on the whiteboard at the front of the class at the time but that he came over and "*hit [him] with his palm...on his left shoulder*" and then Mr Good started saying how "*he would have been hit harder than that when he was at school*".

The panel considered the incident report form completed by Pupil A on 17 September 2021. Pupil A stated on the incident report form that he was sat in maths, talking to Pupil B and whilst Mr Good was going through a question, he poked Pupil B in the arm with his whiteboard pen and said to face the front. He stated that they carried on talking and Mr Good then did it to him with his hand. Pupil A described this as more than a tap but less than a thump, and stated that there was a small bruise about the size of a 10p coin.

Pupil A stated he said “*ow that hurts*” and Mr Good started mocking him, waving his arms around.

The panel considered Mr Good’s statement regarding the incident, where he stated that during period 2 on the 17 September 2021 he was teaching maths to a [REDACTED] class. He stated that there was a boy sitting at the front of the class who kept turning around and talking. Mr Good stated that he had to tell this student to sit straight and face the front, stop talking and write down the notes many times during the class. He stated that as he didn’t know the individual boy’s name, and he did not respond to his request to be quiet, he tapped the student on the arm with his pen to get his attention. Mr Good commented that he did not respond to him when he asked him to turn around and be quiet approximately five times. Mr Good stated that the boy started pretending that this hurt his arm where he had his vaccination, and he was reminded by another student that he had had his vaccination there 2 weeks ago and this should not have hurt. He stated that the boy was trying to wind him up so he mimicked his reaction in an overly dramatic way to get the boy to defuse the situation with humour.

The panel also considered Mr Good’s written response to the allegations. Mr Good stated that in relation to allegation 1a), after about 10 minutes the talking resumed with Pupil A who turned his seat to face Pupil B and put his right side towards him at the front of the class. He stated that this time he tapped Pupil A on the shoulder as he had done with Pupil B with the marker pen and he put his fingers on his lips to tell Pupil A to be quiet. Mr Good stated that he did not know Pupil A’s name and therefore could not say “*Pupil A please be quiet*”, so he had to single out who he was directing his comment to and used the tap to get Pupil A’s attention before making the “*be quiet*” signal.

Mr Good explained that Pupil A became louder, Pupil B was making noises and comments about what had just happened that were meant for him and the class to hear. He stated that this made teaching almost impossible.

Mr Good stated that he heard Pupil A say out loud that he had just been assaulted because he had touched where he had a jab in his arm recently. He stated that he heard Pupil B say that Pupil A’s jab had been on the other arm and laughed about it. Mr Good submitted that Pupil A then started to confront him saying that he was going to get his [REDACTED] to call the police and get him sacked for assaulting him.

Mr Good stated in his written response that he did not hit or assault Pupil A or Pupil B.

The panel also considered the witness statement and oral evidence of Witness A which was that she had not seen anything physically happen to Pupil A although she had heard raised voices from her classroom across the corridor. Witness A stated that she saw Mr Good arching over the children across a desk but did not see anything physical happen. She just heard Mr Good raising his voice and using inappropriate language in an aggressive manner.

The panel considered the oral evidence and written statement of Witness B who could recall Pupil A having said that Mr Good put his hand on Pupil A's shoulder but not that he had hit him. He did also recall Pupil A having implied that he felt like he had been hit.

The panel noted the presenting officer's assertion that there had been no formal application to admit the statements of Pupil B, Pupil C, Pupil D, Pupil E and Pupil F. In considering the evidence, the panel attached a limited amount of weight to this evidence both because of its status as hearsay evidence and in light of the inconsistencies within it which reflected those in the wider bundle and oral evidence.

Having read the bundle and heard the oral evidence, the panel noted that there were many inconsistencies about the explanation of the room layout which caused confusion and uncertainty as to what the actual seating arrangements were at the time of the alleged incidents.

The panel noted that there were several inconsistencies in the evidence regarding this particular allegation both from the pupils in the room and within Pupil A's own evidence. The panel noted that there were inconsistencies regarding the presence of markings to Pupil A's arm/shoulder including Pupil A's [REDACTED] photograph which showed a marking on a different part of the arm to that indicated by Pupil A during oral evidence. The panel heard from Witness B that he was not aware of Pupil A having ever raised any allegations of this nature before and that he was not a particularly rude or difficult child. Further Witness B stated that Pupil A was a sociable and likeable pupil who liked to speak to teachers and was popular in class. Therefore, while the panel had no reason to doubt Pupil A's evidence, the panel did not find, on the balance of probabilities, that Mr Good smacked and/or hit Pupil A in the manner alleged.

The panel found allegation 1a) not proved.

b) Said to and/or about Pupil A that he was “a pathetic loser”, or words to that effect;

The panel considered the oral evidence from Pupil A within which he stated that he recalled the other pupils in the class laughing when Mr Good started mocking him for saying his arm hurt where Mr Good hit him on it. In Pupil A's oral evidence, he recalled Mr Good calling him a “*pathetic stupid boy*” and a “*moaner*” while moving his arms as if mimicking him.

The panel considered the incident report form completed by Pupil A on 17 September 2021, where he had set out that in Period 2, he was talking to someone and Mr Good hit his arm and then started saying “*you stupid pathetic boy*”.

The panel considered Mr Good's statement regarding the incident, where he stated that he also, unprofessionally called Pupil A a loser and pathetic as he got upset with the

false allegation regarding the tap on the shoulder hurting him where he had his vaccination.

The panel also considered Mr Good's written response to the allegations. In reference to allegation 1b), Mr Good stated it was then that he used the words "*pathetic*" and "*loser*", although he refutes how these words were used. Mr Good stated that Pupil A was causing a disruption with the level of confrontation he had towards him, and so he raised his voice at Pupil A and said "*you are acting pathetic*", in relation to the insinuation that he had been assaulted. Mr Good stated that he said "*you are a loser*" as he was annoyed, but he then stopped and said "*let's just do the maths now.*"

The panel also considered the witness statement and oral evidence of Witness A which was that from across the corridor in her classroom she heard Mr Good shouting "*pathetic*" and "*stupid*" which were key words that rang loud for her. Witness A recalled that Mr Good was using a very condescending, belittling and aggressive tone. Witness A remembered Mr Good leaning over Pupil A, pulling a face and shouting "*you're pathetic*" and later said to Witness A that they were "*all pathetic and stupid*" talking in front of the class about the class.

The panel considered the oral evidence and written statement of Witness B who stated that he became aware of an incident as he received a call on his radio to provide support in the maths department. Witness B stated that when he arrived, Pupil A was agitated and wound up and told him that Mr Good had called him "*pathetic and stupid*". Witness B submitted that Pupil A informed him that Mr Good had been rude to Pupil A and had shouted. He stated that based on what he had heard, he decided to remove Mr Good from the School.

Witness B stated that following the incident, he reported the matter to Individual D, the [REDACTED] at the time, who then reported the incident to the LADO.

Witness B stated that Individual D investigated the incident at the time, and spoke to Pupil A and Pupil B, alongside other members of the class and staff members to obtain written statements. He stated that the School established that Mr Good had called Pupil A "*pathetic*" and "*stupid*", which were comments that were not in line with the School's ethos.

The panel noted the presenting officer's assertion that there had been no formal application to admit the statements of Pupil B, Pupil C, Pupil D, Pupil E and Pupil F. In considering the evidence, the panel attached a limited amount of weight to this evidence both because of its status as hearsay evidence and in light of the inconsistencies within it which reflected those in the wider bundle and oral evidence. However, the panel noted that the pupils all consistently recalled Mr Good using the word "*loser*" and/or "*pathetic*".

The panel considered that, on the balance of probabilities and taking Mr Good's admission in his reflective statement into account, Mr Good was far more likely than not to have called Pupil A a "*pathetic loser*" or words to that effect.

The panel found allegation 1b) proved.

c) Jabbed and/or poked Pupil B in the arm with a pen.

The panel considered the oral evidence from Pupil A within which he stated that Mr Good had hit another pupil, Pupil B on the shoulder with a whiteboard pen in order to get him to turn around before he hit Pupil A on the shoulder. Pupil A didn't think anyone else had said anything when Mr Good jabbed Pupil B with the pen but recalled that the pupils did start laughing when Mr Good mocked Pupil A.

The panel considered the incident report form completed by Pupil A on 17 September 2021. Pupil A stated on the incident report form that he was sat in maths, talking to Pupil B and whilst Mr Good was going through a question, he poked Pupil B in the arm with his whiteboard pen and said to face the front.

The panel considered the incident report form completed by Pupil B on 17 September 2021. Pupil B stated that during period 2 they were in maths and someone was asking a question so he turned around to see who, when Mr Good jabbed him in the arm with his pen.

The panel also considered Mr Good's written response to the allegations. In relation to allegation 1c), Mr Good explained that he gave Pupil B a tap on the shoulder as he was talking and not doing his work. He stated that he was so close to Pupil A and Pupil B that he could simply lean forwards and tap Pupil B on his left shoulder and point to his workbook whilst he continued to address the class. Mr Good stated that he did both of these actions with a pen in his hand, and stated that the tap was not hard and was simply to get his attention as he was in conversation with Pupil A again. He stated that it is not possible that this could or would have hurt Pupil B. Pupil B showed no signs of having done anything but felt the tap and responded as he should, to focus again on the maths lesson.

Mr Good stated in his written response that he did not hit or assault Pupil A or Pupil B.

The panel also considered the witness statement and oral evidence of Witness A which was that she had not seen anything physically happen to Pupil B although she had heard raised voices from her classroom across the corridor. Witness A stated that she saw Mr Good arching over the children across a desk but did not see anything physical happen. She just heard Mr Good raising his voice and using inappropriate language in an aggressive manner.

Having read the bundle and heard the oral evidence, the panel noted that there were many inconsistencies about the explanation of the room layout which caused confusion and uncertainty as to what the actual seating arrangements were at the time of the alleged incidents.

The panel noted the presenting officer's assertion that there had been no formal application to admit the statements of Pupil C, Pupil D, Pupil E and Pupil F. In considering the evidence, the panel attached a limited amount of weight to this evidence both because of its status as hearsay evidence and in light of the inconsistencies within it which reflected those in the wider bundle and oral evidence.

Furthermore, the panel found that there was confusion over the identity and presence of Pupil B at the relevant times with Witness A and Witness B referring to a female pupil and Pupil A and Mr Good referring to a male pupil.

The panel found allegation 1c) not proved.

The panel found allegation 1b) proved and 1a) and 1c) not proved.

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

Having found one of the allegations proved (allegation 1b), 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 Good, in relation to the facts found proved, involved breaches of the Teachers' Standards.

The panel considered that, by reference to Part 1, Mr Good was in breach of the following standards:

- Set high expectations which inspire, motivate and challenge pupils; and
 - Establish a safe and stimulating environment for pupils, rooted in mutual respect; and
 - Demonstrate consistently the positive attitudes, values and behaviour which are expected of pupils.
- Manage behaviour effectively to ensure a good and safe learning environment.

- Have clear rules and routines for behaviour in classrooms, and taking responsibility for promoting good and courteous behaviour both in classrooms and around the school, in accordance with the school's behaviour policy;
- Have high expectations of behaviour, and establishing a framework for discipline with a range of strategies, using praise, sanctions and rewards consistently and fairly;
- Manage classes effectively, using approaches which are appropriate to pupils' needs in order to involve and motivate them; and
- Maintain good relationships with pupils, exercising appropriate authority, and acting decisively when necessary.

The panel considered that, by reference to Part 2, Mr Good 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; and
 - 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 Good amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession.

The panel also considered whether Mr Good's conduct displayed behaviours associated with any of the offences listed on pages 12 and 13 of the Advice.

The panel found that none of these offences was relevant.

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

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

The findings of misconduct are serious, and the conduct displayed would be likely to have a negative impact on the individual's status as a teacher, potentially damaging the public perception.

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

Having found the facts of allegation 1b) proved, the panel further found that Mr Good's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

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

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

The panel was aware that prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

- the safeguarding and wellbeing of pupils;
- maintenance of public confidence in the profession;
- declaring and upholding proper standards of conduct within the teaching profession; and
- that prohibition strikes the right balance between the rights of the teacher and the public interest, if they are in conflict.

In the light of the panel's findings against Mr Good, which involved calling Pupil A "*a pathetic loser*" or words to that effect, there was a strong public interest consideration in the safeguarding and wellbeing of pupils.

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

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Good 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 no doubt had been cast upon his abilities as an educator and he is able to make a valuable contribution to the profession. Further, the panel noted his otherwise unblemished teaching record and some compelling character references including some which were made in a professional capacity.

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 Good. The panel was mindful of the need to strike the right balance between the rights of the teacher and the public interest.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Good. 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, the point that was relevant in this case was:

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

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

There was no evidence that Mr Good's actions were not deliberate.

There was no evidence to suggest that Mr Good was acting under extreme duress. However, the panel noted that the incident was out of character and occurred in the wake of the Covid-19 pandemic while Mr Good was supply teaching and had not had any previous interactions with these pupils. The panel did not consider Mr Good's actions to be calculated or motivated and considered that it was an out of character reaction at a particularly challenging time.

The panel considered Mr Good's written statement in response to the allegations, where he set out that when considering the context of what happened, he stated that it was a combination of some unique factors at the time. Mr Good stated that *"at the height of Covid-19 with the close proximity of the desk and students to where [he] had to stand, the very close quarters and persistent disruption caused to [his] lesson by one specific student and the sudden and unjustified allegations and threats to get his [REDACTED] and the police onto [him] for assaulting him"*.

Mr Good accepted that his response was wrong for any teacher but stated that it was perhaps understandable in that moment. Mr Good admitted that he shouted at Pupil A as he was annoyed and understands that this could have upset the student, but there was no evidence of this. He stated that every student deserves for the teacher in the room to be in control of their emotions, and he failed to do this for a moment, but this was not without context or provocation. Mr Good stated that he could have used a quieter tone and better words but the reason for the emotion was that the disruption needed to stop.

Mr Good accepted that he shouted and used words that he should not have used, and that he never denied any of this from the very moment it happened. He stated that he took responsibility for what he did and explained where the allegations were wrong.

Mr Good stated that he recently undertook a behaviour management training course and passed. The panel had sight of this certificate.

Mr Good submitted that he accepted that shouting at a pupil is not professional. He stated that he is not a teacher that usually shouts, but he reacted badly to being accused of something he felt was a bit of an exaggeration and he let himself down. Mr Good stated that he was sorry for shouting at Pupil A and calling him a loser, and that regardless of the reasons it happened it was not right. He stated that he was also very sorry to the other students that had to witness this.

Mr Good stated that this will never happen again. He stated *"this was genuinely a one-off error of judgment and I have learnt from this mistake. It will never happen again"*. Also, he stated *"I have reflected...and understand and accept that I fell below the standard required of a teacher. I cannot change what happened, but I can learn from it"*.

Mr Good submitted that he undertook and passed a course on *"awareness of effective behaviour management in the classroom"*, and that he did this because he wanted to ensure that nothing like this happened again and that he has the knowledge along with his experience, to do the right thing in the future.

The panel considered that Mr Good had demonstrated an exceptional level of insight and remorse into his actions in his response to allegations, reflective statement and in the actions that he had undertaken since the incident. As a consequence, the panel did not consider there to be a risk of repetition of the behaviour found proved.

The panel considered character references provided by the following individuals on behalf of Mr Good:

- Individual A, [REDACTED]
- Individual B, [REDACTED]
- Individual C, [REDACTED]
- Individual D, [REDACTED]

The panel noted the following comments in particular:

- *“Michael has worked with students that have varying challenges, some of those students have presented challenging behaviour in other areas of the school, however Michael has formed good relationships with those students and has achieved good outcomes.”*
- *“Both staff and students speak very positively of the relationships formed between Michael and the students and staff he works with.”*
- *“During his time here there has been no cause for concern, from staff or students.”*

Individual A, [REDACTED]

“During his tenure at our school, Michael consistently displayed an exemplary level of dedication, professionalism, and creativity.”

- *“Michael’s ability to foster a positive learning environment was truly commendable, and he effortlessly maintained the students’ interest and enthusiasm throughout his classes.”*
- *“I have never witnessed any behaviour that could remotely be construed as violent or abusive towards his students, On the contrary, Michael consistently displayed the utmost respect, care, and professionalism in his interactions with both students and colleagues.”*

Individual B

- *“He knows violence of any kind will make matters worse and not achieve the outcomes best suited to create a positive teaching and learning classroom environment.”*

Individual D

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.

In reaching its decision the panel considered the case of *Wallace v Secretary of State for Education 2017*. The panel concluded that a less intrusive measure would be more appropriate in the circumstances, especially taking into account the consequences of Mr Good being prohibited, and the fact that publication would strike the correct balance between Mr Good's rights and the interests of the public.

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 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 some of the allegations proven (allegation 1b) and found that those proven facts amount to unacceptable professional conduct and conduct that may bring the profession into disrepute. In this case, the panel has found some of the allegations not proven, I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mr Michael Good should not be the subject of a prohibition order. The panel has recommended 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 Mr Good is in breach of the following standards:

- Set high expectations which inspire, motivate and challenge pupils; and

- Establish a safe and stimulating environment for pupils, rooted in mutual respect; and
- Demonstrate consistently the positive attitudes, values and behaviour which are expected of pupils.
- Manage behaviour effectively to ensure a good and safe learning environment.
 - Have clear rules and routines for behaviour in classrooms, and taking responsibility for promoting good and courteous behaviour both in classrooms and around the school, in accordance with the school's behaviour policy;
 - Have high expectations of behaviour, and establishing a framework for discipline with a range of strategies, using praise, sanctions and rewards consistently and fairly;
 - Manage classes effectively, using approaches which are appropriate to pupils' needs in order to involve and motivate them; and
 - Maintain good relationships with pupils, exercising appropriate authority, and acting decisively when necessary.
- 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; and
 - 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 finds that the conduct of Mr Good fell significantly short of the standards expected of the profession.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would

achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct or 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 Good, 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 has observed, "In the light of the panel's findings against Mr Good, which involved calling Pupil A "*a pathetic loser*" or words to that effect, there was a strong public interest consideration in the safeguarding and wellbeing of pupils." A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel's comments on insight and remorse, which the panel sets out as follows, "The panel considered that Mr Good had demonstrated an exceptional level of insight and remorse into his actions in his response to allegations, reflective statement and in the actions that he had undertaken since the incident. As a consequence, the panel did not consider there to be a risk of repetition of the behaviour found proved." I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, "the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Good was not treated with the utmost seriousness when regulating the conduct 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 or 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 Good himself and the panel comment "The panel decided that there was a strong public interest consideration in retaining the teacher in the profession, since no doubt had been cast upon his abilities as an educator and he is able to make a valuable contribution to the profession. Further,

the panel noted his otherwise unblemished teaching record and some compelling character references including some which were made in a professional capacity.”

A prohibition order would prevent Mr Good 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 level of insight. The panel has said, “Mr Good accepted that his response was wrong for any teacher but stated that it was perhaps understandable in that moment. Mr Good admitted that he shouted at Pupil A as he was annoyed and understands that this could have upset the student, but there was no evidence of this. He stated that every student deserves for the teacher in the room to be in control of their emotions, and he failed to do this for a moment, but this was not without context or provocation. Mr Good stated that he could have used a quieter tone and better words but the reason for the emotion was that the disruption needed to stop.”

I have also placed considerable weight on the finding of the panel that “Mr Good submitted that he undertook and passed a course on “*awareness of effective behaviour management in the classroom*”, and that he did this because he wanted to ensure that nothing like this happened again and that he has the knowledge along with his experience, to do the right thing in the future.”

I have given weight in my consideration of sanction therefore, to the contribution that Mr Good has made to the profession and the level of insight and remorse shown.

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

A handwritten signature in black ink, appearing to read 'S Buxcey', with a stylized, cursive script.

Decision maker: Sarah Buxcey

Date: 21 October 2024

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