



Teaching  
Regulation  
Agency

# **Mr Kevin Gaiderman: Professional conduct panel outcome**

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

**November 2024**

## **Contents**

<b>Introduction</b>	<b>3</b>
<b>Allegations</b>	<b>4</b>
<b>Preliminary applications</b>	<b>6</b>
<b>Summary of evidence</b>	<b>8</b>
<b>Documents</b>	<b>8</b>
<b>Witnesses</b>	<b>9</b>
<b>Decision and reasons</b>	<b>9</b>
<b>Findings of fact</b>	<b>10</b>
<b>Panel's recommendation to the Secretary of State</b>	<b>31</b>
<b>Decision and reasons on behalf of the Secretary of State</b>	<b>35</b>

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

**Teacher:** Mr Kevin Gaiderman  
**TRA reference:** 19949  
**Date of determination:** 5 November 2024  
**Former employer:** Chellaston Academy, Derby

### **Introduction**

A professional conduct panel ("the panel") of the Teaching Regulation Agency ("the TRA") convened on 17 to 25 July 2024 at Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT and the 18 October 2024 and 5 November 2024 via virtual means to consider the case of Mr Kevin Gaiderman.

The panel members were Miss Mona Sood (lay panellist – in the chair), Mrs Monique Clark (teacher panellist) and Mr Richard Young (lay panellist).

The legal adviser to the panel was Mr Priyesh Dave of Eversheds Sutherland (International) LLP solicitors.

The presenting officer for the TRA was Mr Lee Bridges of Kingsley Napley LLP solicitors.

Mr Kevin Gaiderman was present and was represented by Mr Philip Dayle of No5 Barristers' Chambers.

The hearing took place in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of hearing dated 26 April 2024.

It was alleged that Mr Kevin Gaiderman was guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute, in that:

1. Between May 2018 and March 2019, Mr Gaiderman acted in an unprofessional and/or bullying manner towards Individual A, examples of which are set out in Schedule 1.
2. Between June 2018 and November 2019, Mr Gaiderman acted in an unprofessional and/or bullying manner towards Individual B, examples of which are set out in Schedule 2.
3. On or around 20 March 2018, Mr Gaiderman provided a false and/or inaccurate reference to Ormiston SWB Academy in relation to Individual A.
4. Between August 2018 and June 2019, Mr Gaiderman failed to disclose the nature of his relationship with Individual C when:
  - a. appointing Individual C as [REDACTED] in August 2018;
  - b. recommending Individual C as a [REDACTED] in April 2019;
  - c. discussing extending Individual C's contract for a further academic year in May and June 2019 with members of the Governing Body;
  - d. asked by Individual D in or around 2018 if Mr Gaiderman was having an affair with Individual C;
  - e. asked by Individual E in or around June 2020 if Mr Gaiderman was having an affair with Individual C.
5. Between 2015 and 2020, Mr Gaiderman created a culture of fear and/or a toxic environment at the school by:
  - a. Mr Gaiderman's abrasive treatment of some members of staff between 2015 and 2019 leading them to feel upset and/or humiliated;
  - b. In or around 2018, procuring from Individual F the IP addresses of one or more staff members who provided negative responses to a staff survey when the staff members were told the survey was anonymous;
  - c. Engaging in a pattern of irregular recruitment, promotion and demotion of members of staff;
  - d. On or around 9 March 2020, at a meeting following the sentencing of Individual G, implying to staff that they were wilfully blind and complicit in the commission of serious criminal offences by Individual G.
6. On or around 10 July 2019, Mr Gaiderman instructed Individual H to lie to an Ofsted inspector;
7. Mr Gaiderman's conduct as set out in on or more of the following allegations was dishonest;

- a. Allegation 3
- b. Allegation 4a – 4e
- c. Allegation 5b
- d. Allegation 6

Schedule 1:

- a) Mr Gaiderman held, in effect, a formal performance meeting with Individual A on 11 May 2018 without giving her notice of the reason for the meeting and/or details of her performance issues before the meeting
- b) For the meeting on 11 May 2018, Mr Gaiderman only gave Individual A the opportunity to be accompanied by a companion to the meeting as she came into the meeting
- c) Mr Gaiderman conducted a meeting with Individual A on 11 May 2018 in a formal and authoritarian manner
- d) Mr Gaiderman significantly increased Individual A's responsibilities for the academic year of 2018 / 2019 at a time when he knew or ought to have known that Individual A was unable to cope with her existing responsibilities
- e) Mr Gaiderman held a further performance meeting with Individual A in December 2018 and did not give her the opportunity to be accompanied by a work colleague or trade union official
- f) Mr Gaiderman belittled and/or undermined Individual A in front of one or more colleagues
- g) Mr Gaiderman shouted and/or raised his voice at Individual A
- h) Mr Gaiderman deliberately did not line manage or give Individual A support in the academic year of 2018/2019

Schedule 2:

- a) Mr Gaiderman marginalized Individual B and gave him a much reduced role once he had ceased to be [REDACTED]
- b) Mr Gaiderman shouted at, undermined and/or belittled Individual B in Senior Leadership Team (SLT) meetings
- c) Mr Gaiderman threatened Individual B in a meeting in July 2019 that if he did not take a demotion Mr Gaiderman would fail his performance management and put him on a support plan, which would likely result in his dismissal
- d) Mr Gaiderman deliberately failed Individual B's performance management in October / November 2019
- e) On 11 November 2019, Mr Gaiderman deliberately informed Individual B he had failed his performance management when he was absent with ill-health.

The following allegations were admitted by Mr Gaiderman:

- Allegation 1 as set out in Schedule 1 a, b, and e,
- Allegation 2 as set out in Schedule 2 d and e,
- Allegation 3,

- Allegations 4a, 4b, 4c, 4d,
- Allegations 7a and 7b.

During Mr Gaiderman's witness evidence, he also admitted allegation 4e.

The following allegations were denied by Mr Gaiderman:

- Allegation 1 as set out in Schedule 1 c, d, f, g and h,
- Allegation 2 as set out in Schedule 2 a, b and c,
- Allegations 5a, 5b, 5c, 5d,
- Allegation 6,
- Allegations 7c and 7d.

Further, Mr Gaiderman denied that all allegations amounted to unacceptable professional conduct or conduct that may bring the profession into disrepute.

## **Preliminary applications**

### **Admissibility of Video Evidence**

The presenting officer and teacher's representative applied for a number of their witnesses to give evidence virtually via Microsoft Teams. The TRA and Mr Gaiderman did not oppose each other using Teams to provide witness evidence.

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 witnesses to give evidence by video link given due to lack of availability of the witnesses to attend in person. In exercising that discretion, the panel noted that the application was unopposed and benefited both parties.

The panel balanced its obligation to ensure that Mr Gaiderman 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 Mr Gaiderman. The panel was aware of the limitations of a video link and losing subtleties of body language but considered that having the witnesses give evidence was beneficial to the panel in considering this case.

Allowing the teacher witnesses' evidence to be given by video link ensures that Mr Gaiderman is fully able to present his case, and fairness requires that the presenting officer should be given the opportunity to ask questions of these witnesses. The public interest is in favour of the allegations being investigated by the panel receiving the evidence of these witnesses.

The panel therefore determined to allow the applications from the presenting officer and teacher's representative, for a number of witnesses to give their evidence virtually via Microsoft Teams.

### **Potential Conflict of Interest**

#### *Panellist A*

Panellist A raised with the panel and parties that there was a name that they recognised within the bundle. Panellist A recognised the name as they had previously sat on a TRA panel for a teacher with the same name as the one referenced in the bundle of evidence. Panellist A stated that they didn't remember anything about the previous case from 2022, the allegations or the content of any evidence. The parties were informed of this and enquires were made as to whether the name recognised in the bundle was the same individual from the same school in the previous TRA case. Enquiries were also made in respect of the allegations for the previous case and whether there was any reference to Mr Gaiderman previously, and to establish who was the referrer.

The outcome of the aforementioned enquiries was that it was the same individual (at the same school as Mr Gaiderman) referenced in the bundle who was previously before a TRA panel. The only reference to Mr Gaiderman in the previous TRA case was a staff list which included his contact details. The allegations in the previous TRA case were wholly separate from the allegations before this panel in this case. It was also confirmed that Mr Gaiderman was not the referrer in the previous case.

The parties confirmed that there was no belief of a conflict of interest. Therefore, there was no objection from either the presenting officer or the teacher's representative for Panellist A to proceed as a panellist in this case.

The panel considered whether there was a conflict of interest in the absence of Panellist A. The remaining two panellists considered that Panellist A's recollection was limited. A number of years had now passed between the previous TRA case and Mr Gaiderman's and the reference to the teacher who was previously called before the TRA in this case was limited. The remaining panel therefore concluded there was no conflict of interest, and the hearing could continue.

#### *Panellist B*

On 18 October 2024, Panellist B raised with the panel and parties that they are involved with another case that is part heard involving [REDACTED]. Due to what Panellist B knows about this case and additional insight of the school that has not been provided in the other case, they have decided to recuse themselves from the other case. She does not believe that it has an impact on her ability to come to a determination on the facts of this case.

The parties confirmed that there was no belief of a conflict of interest. Therefore, there was no objection from either the presenting officer or the teacher's representative for Panellist B to continue as a panellist in this case.

The panel considered whether there was a conflict of interest in the absence of Panellist B. The remaining two panellists considered there was no information from the other case that could be used in this case. The remaining panel therefore concluded there was no conflict of interest, and the hearing could continue.

### **Application to Amend the Allegations**

An application was made by the presenting officer to amend the Notice of Hearing by changing the date within the third allegation from 20 March 2018 to 20 March 2019. 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.

Before making an amendment, the panel is required to consider any representations by the presenting officer and by the teacher, and the parties have been afforded that opportunity. The teacher's representative did not object to the application.

The panel considered that the amendment proposed, being a correction of a typographical error, does not change the nature, scope or seriousness of the allegations. There was no prospect of the teacher's case being presented differently had the amendment been made at an earlier stage, and therefore no unfairness or prejudice caused to the teacher. The panel therefore decided to amend the allegation as proposed.

The third allegation now read as follows:

3. On or around 20 March 2019, Mr Gaiderman provided a false and/or inaccurate reference to Ormiston SWB Academy in relation to Individual A.

## **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 7 to 8

Section 2: Notice of Hearing and Response – pages 9 to 18

Section 3: Teaching Regulation Agency Witness Statements – pages 19 to 62

Section 4: Teaching Regulation Agency Documents – pages 63 to 1841

Section 5: Teacher Documents – pages 1842 to 1965



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 TRA's witnesses:

- Colleague A, [REDACTED]
- Colleague B, [REDACTED]
- Witness C, [REDACTED]
- Witness D, [REDACTED]
- Witness E, [REDACTED]
- Witness F, [REDACTED]

Mr Gaiderman's witnesses:

- Kevin Gaiderman
- Witness G, [REDACTED]
- Witness H, [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.

Mr Gaiderman had been employed at Chellaston Academy (the "School") on 1 September 2015 as a headteacher. On 1 September 2016, Colleague A was employed as a [REDACTED]. In late July 2017, Mr Gaiderman appointed Individual C as [REDACTED] without any advertisement for the role. On 15 October 2017, Mr Gaiderman gave a positive appraisal to Colleague A. In late 2017, emails suggest that Mr Gaiderman and Individual C were in a close relationship. On 23 January 2018, the School was subject to a short inspection by Ofsted. In March 2018 the School arranged for an anonymous staff survey. Mr Gaiderman denied the relationship with Individual C to Individual J. On 1 August 2018, Individual C was appointed [REDACTED]. On 18 December 2018, Mr Gaiderman had a meeting with Colleague A in which he expressed concerns with her performance. On 20 March 2019, Mr Gaiderman provided a positive reference for Colleague A. On 9 April 2019, Mr Gaiderman became the CEO of PEAK Multi Academy Trust (PEAK MAT), and Individual C was appointed [REDACTED]. On 9 July 2019, Colleague A resigned. On 10 July 2019, Ofsted graded the School as 'inadequate'. On 17 July 2019, Colleague B was offered a different role, losing his [REDACTED] or being put on a performance management plan. On 11 November 2019,

whilst Colleague B was [REDACTED], Mr Gaiderman sent him an email about failing his performance management. In March 2020, Witness E called Mr Gaiderman and asked him if he was having an affair with Individual C, which Mr Gaiderman denied. Following the sentencing of Individual G, on 9 March 2020, Mr Gaiderman held a staff meeting during which he discussed a complaint of 'wilful blindness'. On 10 March 2020, there was a vote of no confidence in Mr Gaiderman. On 31 August 2020, Mr Gaiderman's employment with the School ended.

## **Findings of fact**

The findings of fact are as follows:

**1. Between May 2018 and March 2019, you acted in an unprofessional and/or bullying manner towards Individual A, examples of which are set out in Schedule 1.**

### **Schedule 1:**

- a) You held, in effect, a formal performance meeting with Individual A on 11 May 2018 without giving her notice of the reason for the meeting and/or details of her performance issues before the meeting**

Mr Gaiderman admitted this allegation. The panel has seen evidence that a meeting was held with Colleague A (also Individual A for the purposes of these allegations) on 11 May 2018 regarding her performance. The panel was also satisfied that notice for the meeting was given to Colleague A no more than 24 hours prior. No agenda or reasons for the meeting were provided. Mr Gaiderman stated that this meeting was an informal meeting which required no formal notice or agenda although Mr Gaiderman had prepared for the meeting by having detailed notes in front of him.

Prior to joining the meeting, Colleague A was given the option of being accompanied by a colleague as support or a companion.

At the meeting, Colleague A was joined by Mr Gaiderman and Individual J, who was a [REDACTED] of the School. Colleague A was unaware prior to the meeting why Individual J would be joining the meeting.

Colleague A commented that Mr Gaiderman had structured notes about what he wished to discuss with her. It was also clear from the bundle evidence that Mr Gaiderman and Individual J had discussed the meeting the day before in some detail. Individual J in fact suggested that it would be useful that their preferred outcome to be agreed in advance, specifically using the word "*our*".

The panel had seen evidence that Colleague A had spent time trying to ascertain the reasons for and scope of the meeting. Colleague A asked Individual K for what she needed to prepare and what the concerns were. There was email evidence to show that Mr Gaiderman was aware of this and in doing so indicated that Individual K had been compromised by Colleague A. Colleague A had also contacted Individual J to express her worry and indicating that she wanted to speak with her confidentially. In email

correspondence to Mr Gaiderman, Individual L and Individual K, Individual J notes "*clearly she is aware there is something afoot.*"

The panel considered that the option of having a companion at very short notice could have given the impression to Colleague A that this was a formal meeting and increased her anxiety.

The panel considered that due to the option of being accompanied, having Individual J in attendance and structured notes that the meeting had a formal approach in Colleague A's eyes and therefore, in effect, was a formal performance meeting.

The panel considered that the level of detailed planning, discussion over email, reference to a preferred outcome and pre-meeting, compared to the lack of a shared agenda or detailed reasons for the meeting provided prior was unprofessional given the circumstances. Colleague A's evident anxiety, compounded with a lack of clarity as to the purpose of the meeting, the panel concluded that the provision of a companion was offered in an unprofessional manner. Therefore, on the balance of probabilities the panel has found allegation 1 as set in Schedule 1(a) proven.

**c) You conducted a meeting with Individual A on 11 May 2018 in a formal and authoritarian manner**

Mr Gaiderman denied this allegation, in particular that the meeting was carried out in an authoritarian manner. Mr Gaiderman accepted that the meeting in effect became formal, and he had a number of items he wished to discuss with Colleague A and attempted to deal with them in an organised and "*to-the-point manner*".

The panel has had the opportunity to review comments regarding what was said in the meeting. In the bundle Colleague A was informed that she was not good enough for the job.

The panel also heard evidence that Mr Gaiderman stated in the meeting that Colleague A needs to "*grow a pair and deal with it*". Mr Gaiderman did not challenge Individual J when she said during the course of the meeting "*it's time to get your big girl pants on...*". The comments made by Mr Gaiderman and Individual J were personal, pejorative and in the panel's opinion treating Colleague A as an inferior - and completely out of keeping with such a meeting. As it was Mr Gaiderman's meeting, the panel noted that if he had an issue with Individual J's comments then he would have had the opportunity to correct Individual J's statements and inform her that she should not speak to Colleague A in such a manner.

The panel also noted that Individual J in her interview with Individual M stated that Mr Gaiderman's conduct during the meeting was "*very formal and authoritarian*".

The panel has considered the evidence from Mr Gaiderman and the evidence from Individual J's interview with Individual M and Colleague A. The panel considered that Individual J was in attendance in the meeting with Mr Gaiderman and Colleague A who

clearly regarded Mr Gaiderman's conduct as formal and authoritarian; the panel preferred these accounts of the meeting as opposed to Mr Gaiderman's own comments that he was not authoritarian.

It is from the evidence above that the panel considered that Mr Gaiderman did conduct the meeting in a formal and authoritarian manner.

The panel understood that the meeting was meant to be an initial discussion to share concerns with Colleague A about her performance. The formal and authoritarian manner in which Mr Gaiderman conducted the meeting and the language that he used was wholly inconsistent with a workplace discussion and therefore the panel determined that it was unprofessional.

Therefore, the panel found allegation 1 as set out in Schedule 1(c) proven.

**e) You held a further performance meeting with Individual A in December 2018 and did not give her the opportunity to be accompanied by a work colleague or trade union official**

Mr Gaiderman admitted this allegation. The panel has seen evidence that there was another meeting with Colleague A and Mr Gaiderman in December 2018. Although it was Mr Gaiderman's intention to have an informal meeting with Colleague A, he accepted in his statement that the understanding of the purpose of the meeting differed between Colleague A and Mr Gaiderman. It has been accepted by Mr Gaiderman that he did not provide Colleague A with the opportunity to be accompanied to the meeting by a work colleague or trade union official.

Mr Gaiderman did not afford Colleague A the same opportunity to be accompanied by a colleague or trade union official as per the meeting in May 2018. Considering this meeting was a follow up meeting to the performance concerns raised in May 2018, the panel concluded that the lack of consistency shows an unprofessional approach towards Colleague A. Therefore, the panel found allegation 1 as set out in Schedule 1(e) proven.

**f) You belittled and/or undermined Individual A in front of one or more colleagues**

Mr Gaiderman denied this allegation. Mr Gaiderman stated that this allegation is in relation to the School now focussing on the academy improvement plan. An element of this role was tasked by Mr Gaiderman to Colleague A. Allegedly, however, Colleague A sought assistance from other members of the team to work on the matter during the meeting, which Mr Gaiderman states was not the agreed purpose of the meeting. Mr Gaiderman stated that he provided Colleague A with time to complete the work. When the work was due in advance, Mr Gaiderman in his witness statement "*this hasn't been completed, I haven't got time to deal with this' and I got up and walked out. This was unfortunately in front of the senior team.*" Mr Gaiderman states his frustration was due to deadlines had been set for all department plans and this delay would then impact students and teachers.

The panel heard evidence from Colleague B and Witnesses C and F that they witnessed Colleague A being belittled by Mr Gaiderman. These individuals noticed the way in which Colleague A was treated by Mr Gaiderman at SLT meetings and that there was a visible change in Colleague A's demeanour over the course of her time [REDACTED] – this included becoming quieter as a person. The panel found all three witnesses to be clear in their evidence that the belittling and undermining of Colleague A occurred during the time period cited under allegation 1.

The panel heard evidence from Colleague A and Witness F that Mr Gaiderman would raise his voice at Colleague A. The panel has seen evidence in the bundle of Witness D's interview with Individual M that Colleague A was shouted at a lot. Mr Gaiderman's witness statement stated that he accepts that he *"may have on occasion raised my voice. However, I would not have intended this to be aggressive or intimidating."*

The panel heard oral evidence from Colleague A that Mr Gaiderman also said in front of the SLT that there were spelling mistakes by Colleague A in the Self-Evaluation Form (SEF) and that he would not review it any further on that basis.

Colleague A's witness statement also stated that Mr Gaiderman *"wanted me to run the School but at the same time he would publicly second guess everything I did in SLT meetings."*

In Witness F's witness statement, she stated: *"When Individual A made contributions during meetings, Kevin Gaiderman would often immediately dismiss what she was saying and shut down her ideas. This even occurred when other members of the team thought she was making a reasonable point."*

The panel has considered the evidence from Mr Gaiderman on this allegation and in particular his witness statement where Mr Gaiderman now acknowledges that it could be perceived as undermining due to his frustration. The panel has taken into account Mr Gaiderman's behaviour and actions during the academy improvement plan related meeting and the evidence in front of the panel, as stated above, in support of this allegation and consider that Mr Gaiderman's belief that he did not undermine and/or belittle Colleague A, the panel has concluded as not being credible.

The panel has concluded that these examples do amount to belittling and undermining of Colleague A. To do so in a school environment is unprofessional. Therefore, on the balance of probabilities, the panel has found allegation 1 as set out in Schedule 1(f) proven.

#### **g) You shouted and/or raised your voice at Individual A**

Mr Gaiderman denied this allegation. In Mr Gaiderman's witness statement he states that he does not believe that he shouted at Colleague A, but accepts that he *"may have on occasion raised my voice. However, I would not have intended this to be aggressive or intimidating."*

The panel has considered the witness evidence that it has read and heard from Colleague B, Witnesses D and F that Mr Gaiderman did speak to Colleague A with a raised voice.

Witness F stated in her witness statement that: *"Furthermore, I witnessed Kevin Gaiderman raise his voice at Individual A on at least a few occasions. While I wouldn't say that Kevin Gaiderman shouted at Individual A, he spoke to her in a loud and aggressive tone. This occurred during SLT meetings and was often not warranted."*

The panel considered the evidence and has concluded that Mr Gaiderman did at least raise his voice at Colleague A, concluding that doing so in the manner described was unprofessional and would not be expected in a normal working environment.

Therefore, on the balance of probabilities, the panel has found allegation 1 as set out in Schedule 1(g) proven.

Based on the number of examples that the panel has found proven, the panel has found that allegation 1 has been proven.

## **2. Between June 2018 and November 2019, you acted in an unprofessional and/or bullying manner towards Individual B, examples of which are set out in Schedule 2.**

### **Schedule 2:**

#### **a) You marginalized Individual B and gave him a much reduced role once he had ceased to be [REDACTED]**

Mr Gaiderman denied this allegation. The panel heard evidence from Colleague B (also Individual B for the purposes of these allegations) that in June 2018, Colleague B, was removed as the [REDACTED] by Mr Gaiderman and Witness F took over. Colleague B stated that he was removed from the role because, due to *"not embracing PiXL policy fully"*.

Mr Gaiderman stated in his evidence that the reason for Colleague B being removed from his [REDACTED] role was due to concerns about how [REDACTED] was run. He believed it was underperforming generally, noting that the entry requirements forced [REDACTED], and Colleague B was removed *"due to his own failure to significantly improve student outcomes"*.

Although removed from the [REDACTED] role, Colleague B maintained his [REDACTED] grade and title. He was given by Mr Gaiderman the responsibilities of [REDACTED]. The panel heard that this involved [REDACTED]. The panel has also had the opportunity to review the differences in roles from 2017/18 and 2018/19 provided in Individual M's report which shows a reduction in responsibilities to students and in senior leadership. Whilst in his new role, Colleague B described it as *"meaningless responsibilities"*. The panel heard witness evidence that colleagues referred to the new responsibilities for [REDACTED] in a light-hearted manner.

The panel heard evidence from Colleague B that his new roles meant that Ofsted would be unlikely to wish to speak to him at any inspection.

The panel considered the evidence provided by Mr Gaiderman in relation to his perception that Colleague B was not performing his role to the standard that Mr Gaiderman expected. The panel balanced this against how Colleague B's role was reduced and what his role and responsibilities were in the subsequent year. The lack of formal process to reduce the role and that significant aspects of Colleague B's role were reduced, meant that the panel has preferred Colleague B's interpretation of the how the role reduction occurred and that this resulted in Colleague B being marginalised.

The panel concluded that the loss of significant responsibilities (for example, strategic responsibility for the academy [REDACTED], responsibility for academic progress at Key Stage 5, line management of staff and accuracy of the school roll in [REDACTED]) to be an act of marginalisation and an attempt by Mr Gaiderman to keep Colleague B away from consequential School matters in the way that this occurred. The panel concluded that Colleague B was therefore sidelined. The reduction in roles and responsibilities, without putting in place a meaningful performance management process first to demonstrate improvement, was unprofessional.

The panel has found allegation 2 as set out in Schedule 2(a) proven.

**b) You shouted at, undermined and/or belittled Individual B in Senior Leadership Team (SLT) meetings**

Mr Gaiderman denied this allegation. Mr Gaiderman stated in his witness statement that Colleague B would regularly not engage in SLT meetings or would make unhelpful comments. Mr Gaiderman added that Colleague B *"would make fun of any of the initiatives I had introduced when speaking about 6<sup>th</sup> form issues or messages"*. Mr Gaiderman also stated that *"there were times where we would disagree in meetings but these were in the context of a discussion amongst the SLT, but I do not believe that I ever shouted at him or talked to him in a way that was designed to undermine or belittle him."*

During oral evidence, Colleague B stated that there was only one time that he recalled Mr Gaiderman shouting at Colleague B and this was during a whole staff meeting prior to an Ofsted inspection. Colleague B had made a joke to which Mr Gaiderman shouted to *"shut up"*. Colleague B stated that this recollection was not during an SLT meeting.

Colleague B stated in his evidence that he was belittled in his role but not particularly during SLT meetings.

The panel saw evidence from Witness D that Colleague B was belittled during SLT meetings. Witness D recalled times when Colleague B was shouted at during SLT meetings with frequency. Witness D recalled one time that this was due to [REDACTED] which Mr Gaiderman blamed Colleague B for. In oral evidence Witness D stated that Colleague B *"couldn't express himself and couldn't participate in meetings"*.

The panel also saw evidence from Witness C that during SLT meetings, Mr Gaiderman would raise his voice towards Colleague B when Mr Gaiderman's ideas were opposed. Witness C stated in his witness statement that *"it was clear that Kevin Gaiderman tried to intimidate him"*.

Colleague A stated in her witness statement that *"Kevin Gaiderman used to raise his voice during SLT meetings which was very intimidating. He would shout mostly at Individual B..."*.

Witness F in her witness statement stated that *"Kevin Gaiderman would raise his voice towards Individual B. He would also undermine and belittle Individual B when he shared ideas during meetings. This led to Individual B remaining mostly silent during SLT in order to avoid confrontation with Kevin Gaiderman"*. In oral evidence, Witness F recalled that Colleague B was undermined and belittled by Mr Gaiderman in a similar manner to Colleague A. Given that Colleague B was not permitted to offer advice to Witness F, the panel considers that this interaction was witnessed during the daily SLT meetings.

Mr Gaiderman in evidence believed that he didn't ever shout at Colleague B *"or talked to him in a way that was designed to undermine or belittle him"*.

The panel noted that although Colleague B did not recall being shouted at during SLT meetings, there was evidence from other members of staff who stated that he was.

The panel has considered the evidence from multiple witnesses (as stated above) regarding the conduct of Mr Gaiderman towards Colleague B during SLT meetings. The number of recollections from witnesses are broadly consistent. At the very least, the examples the panel has heard would be considered undermining and belittling, which the panel considered to depart from normal standards of professional behaviour. Hence the panel found this to be unprofessional.

The panel has found allegation 2 as set out in Schedule 2(b) proven.

**c) You threatened Individual B in a meeting in July 2019 that if he did not take a demotion you would fail his performance management and put him on a support plan, which would likely result in his dismissal**

Mr Gaiderman denied this allegation and states that this allegation is based on how Colleague B has perceived his comments rather than how they were meant.

The panel understands from the bundle that Mr Gaiderman had a without prejudice conversation with Colleague B during the summer term of 2019. Colleague B recounted the conversation by being told that the School's trustees were *"out for your blood"*, and that Mr Gaiderman would *"protect"* Colleague B if he agreed to take a pay cut and step down from his SLT responsibilities. If he did not do that then Mr Gaiderman would fail Colleague B's performance management and he would be dismissed.

Mr Gaiderman stated in evidence that this allegation is based on what Colleague B perceived about his comments rather than how they were meant. Mr Gaiderman stated



that he offered Colleague B the option to step down from [REDACTED] to [REDACTED] but still retaining his [REDACTED]. The alternative that Colleague B recollected was that he would be performance managed and failed.

Mr Gaiderman's witness evidence indicated the conversation did take this course but Colleague B was facing potential performance management. There was no indication in Mr Gaiderman's statement that failure was a given, he did acknowledge in the same paragraph that the way his comments were perceived may not have been what he intended to convey.

In response to a question from Colleague B, as to whether performance management could lead to dismissal Mr Gaiderman stated confirmation that this could happen.

However, as at July 2019, there is no evidence that Mr Gaiderman had formulated, let alone documented any performance concerns, or provided Colleague B with detail of these.

The panel had taken into account that there is a lack of documented performance concerns regarding Colleague B. The panel has concluded that the actions taken by Mr Gaiderman in the manner he has set out was unwarranted and on balance preferred the account from Colleague B.

The panel had regard for the type of conversation that was being had. The panel found the manner in which Mr Gaiderman spoke to Colleague B; stating that the trustees were "*out for your blood*"; that he would allow Colleague B to keep his [REDACTED] so he could search for other roles; and that if the offer was not accepted that his performance management would be failed and Colleague B would be dismissed, amounted to a threat to Colleague B's job.

The panel has considered the reported conversation with careful consideration and believe that the power imbalance, and the way in which the threat was delivered was unprofessional and, in context, bullying. Therefore, the panel found allegation 2 as set out in Schedule 2(c) proven.

**d) You deliberately failed Individual B's performance management in October / November 2019**

Mr Gaiderman admitted this allegation. The panel heard evidence from Colleague B that his performance management was failed in November of 2019. The evidence provided was that whilst Colleague B was [REDACTED], he was checking whether the Blue Sky performance management system was completed. Once it was completed, he noticed that the date was changed from 11 November 2019 to 18 October 2019. Colleague B was aware of this because he was checking on a daily basis. Also, the change in date was not correct as Colleague B had submitted evidence on 20 October 2019 and there remained reference to that information, which could not be possible if the performance management was completed on 18 October 2019.

Mr Gaiderman admitted this allegation and stated in his witness statement that he felt that Colleague B was not making necessary changes to remove himself from the performance management process. Mr Gaiderman acknowledged that by the time in the year that Colleague B was failed, that there was *"no reasonable opportunity to pass due to his absence from work"*. Later Colleague B appealed this decision and Mr Gaiderman reversed the decision as it was accepted that he hadn't followed the correct procedure. The panel considered that the manner in which this matter was dealt with by Mr Gaiderman, which led to Colleague B appealing the decision, which was subsequently upheld, was unprofessional.

The panel considered the evidence and concluded that on the balance of probabilities, the panel found allegation 2 as set out in Schedule 2(d) proven.

**e) On 11 November 2019, you deliberately informed Individual B he had failed his performance management when he was absent with ill-health.**

Mr Gaiderman admitted this allegation. The panel had sight of the email which Mr Gaiderman sent to Colleague B informing him that he had failed his performance management process.

Mr Gaiderman admitted this allegation stating that *"I accept that this was the wrong way of handling things and in hindsight I would not do so again: I should have dealt with Individual B through correct PM processes at an earlier stage and given my frustrations at the impact he was negatively having on senior team members and the students effectively, this should have been the case."*

The panel considered Mr Gaiderman's admission referencing his own frustrations. The panel considered that making a decision to deliberately inform Colleague B of his failed performance management process whilst on [REDACTED] was unprofessional.

The panel has found allegation 2 as set out in Schedule 2(e) proven.

Therefore, the panel found allegation 2 proven, having found all examples proved to the relevant standard.

**3. On or around 20 March 2019, you provided a false and/or inaccurate reference to Ormiston SWB Academy in relation to Individual A.**

Mr Gaiderman admitted this allegation. The panel had the opportunity to review the reference provided by Mr Gaiderman to Ormiston SWB Academy within the bundle of documents. Colleague A stated that she had asked Mr Gaiderman whether he would give a good reference when applying for another role.

The panel considered the contents of the reference, and the comments made by Mr Gaiderman against the evidence heard during the hearing about Mr Gaiderman's thoughts on Colleague A and the issues highlighted about Colleague A's performance.

The panel heard evidence that Colleague A's punctuality was questioned by Mr Gaiderman regarding the 7:45 am SLT briefings. However, Mr Gaiderman ticked the 'Outstanding' box for punctuality. This similarly occurred for *"Proactively reviewing own performance, positively accepting and acting on advice for improvement"* and *"Working energetically and calmly with others, delegating appropriately"* which were also both ticked as 'Outstanding'. The panel noted that Mr Gaiderman had issue with Colleague A's delegation, referring to it as *"off-loading"*.

The reference also included comments such as:

- *"Individual A has been an excellent [REDACTED] since her arrival"*
- *"She has done so with credibility and assurance gaining the immediate support from senior colleagues."*
- *"I would be disappointed to lose Individual A from my senior team."*

The panel has seen evidence that Mr Gaiderman considered Colleague A not to be an excellent [REDACTED] and had concerns about her performance. The panel saw further evidence in the bundle that Mr Gaiderman had received complaints from three senior members of staff about Colleague A and her performance. There is no evidence to suggest that Mr Gaiderman would have been disappointed to lose Colleague A from the School's senior team.

Mr Gaiderman also gave a positive response to the following questions:

- *"Would you re-employ the applicant in the same job as they currently hold or held?"; and*
- *"Would you be prepared to appoint the applicant to a similar post in your organisation?"*

Based on the evidence in front of the panel, this was also inaccurate.

Mr Gaiderman admitted this allegation on the basis that it was inaccurate, and he would not have employed Colleague A again.

On the balance of probabilities the panel have found allegation 3 proven.

#### **4. Between August 2018 and June 2019, you failed to disclose the nature of your relationship with Individual C when:**

##### **a) appointing Individual C as [REDACTED] in August 2018;**

Mr Gaiderman has accepted that he had a relationship with Individual C and admitted this allegation. The panel had sight of emails between Mr Gaiderman and Individual C from 30 December 2017 which the panel considered to be romantic in nature. The panel understood that Mr Gaiderman did not inform the governors of his relationship with Individual C, either of his own volition or upon direct questioning.

On the balance of probabilities the panel have found allegation 4a proven.

**b) recommending Individual C as a temporary [REDACTED] in April 2019;**

Mr Gaiderman admitted this allegation. The panel has reviewed the bundle which includes Individual M's report. Within the report he questioned Mr Gaiderman on this issue. Individual M asked Mr Gaiderman if he had recommended Individual C's appointment to which Mr Gaiderman said yes.

The panel have found allegation 4b proven.

**5. Between 2015 and 2020, you created a culture of fear and/or a toxic environment at the school by:**

**a) Your abrasive treatment of some members of staff between 2015 and 2019 leading them to feel upset and/or humiliated;**

Mr Gaiderman denied this allegation. The panel heard evidence from Witness C. Witness C gave evidence of [REDACTED], as part of the trip, students were threatened by some local men and the students handed over phones or money. Witness C considered that he had done everything following the incident correctly, when he returned to the School the same day, Mr Gaiderman started questioning him about what happened. Mr Gaiderman was described to be very agitated, attacking Witness C and was said to have torn apart the organisation of the trip.

Witness C stated that then one of Mr Gaiderman's "infamous investigations" was set up, headed by Individual C. Witness C commented that the experience of being questioned by Mr Gaiderman immediately after the trip led to him feeling intimidated and frightened.

The panel heard evidence that staff were not prepared to raise their heads at meetings and the Witness C went into 'his shell' and stuck to his contractual responsibilities. Witness C described that Mr Gaiderman was "forceful" with certain colleagues and that it was embarrassing to witness. Mr Gaiderman was also described as having a terrifying style, he was said to slap his hand down on the table, raise his voice and berate colleagues. The panel heard that Mr Gaiderman once accused a staff member of stealing a cookie with no basis and no apology. Witness C interpreted Mr Gaiderman's mantra of "don't assume" to mean "always see the worst in people".

The panel has seen evidence from Individual N that:

*"Kevin mentioned that I have made staff feel patronised by sending out lessons. I am deeply upset by this as it is not in my nature to belittle people. I have only ever tried to support staff and will always endeavour to try and alleviate stress for others. I had been asked to do something to help, so I did. I did not profess to have planned exceptional lessons but was merely giving the department something to start from. In truth, I have no idea what to send now - the team are expecting lessons from me for next week but I don't want people to continue feeling patronised. I think I will send the department an email explaining that the lessons can be used, if needed."*

and

*“I am simply upset that a negative impression is being created of me. I don't want for you to do anything with this either. I can't face standing up to the Head yet and feel sure that that was simply the tip of the iceberg for me.”*

The panel has considered this documentary evidence and on balance it tends to show that Individual N being upset with the conduct of Mr Gaiderman.

Witness F provided evidence that before Mr Gaiderman's arrival the *“SLT was amicable, equitable and members of the team were treated fairly.”* There were open conversations and which on occasion led to disagreements but within what the leadership team would face. The contrast provided by Witness F was that the SLT group seemed less open after Mr Gaiderman's arrival. A general feeling that decisions were made by Mr Gaiderman and Individual C without consulting other members of the team. *“...staff were put in a position of fear and did not feel able to speak freely”*.

The panel heard evidence and read of examples within the bundle there was shouting or a raised voice from Mr Gaiderman. Mr Gaiderman sought to excuse this by stating it was his *“chimp brain”* and that he openly discussed that he would calm down in meetings by pressing his thumbs down on the table. The panel also heard evidence that the culture of the school prior to Mr Gaiderman's arrival was considerably different.

There was copious evidence within the bundle from numerous members of staff attesting their fearful reaction to Mr Gaiderman and feeling intimidated by him. This manifested in different ways including: anxiety, tears, panic attacks, sickness absence, all of which indicated the degree of upset and humiliation felt by the staff at the School.

The panel has concluded that there is sufficient evidence that Mr Gaiderman created a culture of fear and/or a toxic environment within the School due to his abrasive treatment of staff between 2015 and 2019 leading them to feel upset and/or humiliated. Therefore, the panel has found allegation 5a to be proven.

**b) In or around 2018, procuring from Individual F the IP addresses of one or more staff members who provided negative responses to a staff survey when the staff members were told the survey was anonymous;**

Mr Gaiderman denied this allegation. In his witness statement, Mr Gaiderman stated that *“Whilst I admit that I did ask Individual F to procure [sic] the IP addresses of staff members who had provided negative responses to a staff survey it is denied that I did so to create a culture of fear and/or toxic environment.”*

A staff survey was sent out in 2018. This was an anonymous survey that was run via Survey Monkey. The survey covered questions on the School's improvement, whether staff were proud to work at the School, the School's leadership and management, etc. The panel heard and saw evidence that the survey was conducted whilst Witness F was on [REDACTED]. Witness F commented that at some point on her return from leave, Mr Gaiderman spoke to her about three members of staff who had written negative things

about him, including that he was a bully. Witness F stated in her witness statement that Mr Gaiderman had read through the content and traced the IP number to back to 3 members of staff, including their home addresses. Witness F stated that Mr Gaiderman told her that he did this because he wanted to know if it was members of staff that he respected, citing in her evidence to Individual M that Mr Gaiderman said *“the reason I did this [REDACTED] was if I respected these members of staff this would be an issue for me but as it is I’m not bothered.”*

Mr Gaiderman in his oral evidence admitted that he wanted to know who had written the comments that he considered to be nasty. He further admitted that his actions were wrong, and that his actions appeared to be dishonest. He said that on reflection that the comments should have been anonymous as people are entitled to their own opinions and it is something that he should not have done.

The panel has considered the evidence of both Witness F and Mr Gaiderman, and found that Mr Gaiderman did obtain the IP addresses because he wanted to have an indication of who made the comments.

The panel had in mind the intent of Mr Gaiderman, as expressed in evidence, to find out who was making the comments in the survey. By breaching the School’s assurance that the staff survey would be anonymous, the panel has been able to conclude that these actions were likely to create and contribute to an existing culture of fear. His wanting to find out who made the comments doesn’t change the material impact of his actions.

The panel therefore concluded that on the balance of probabilities the panel found allegation 5b to be proven.

**c) Engaging in a pattern of irregular recruitment, promotion and demotion of members of staff;**

Mr Gaiderman denied this allegation.

**Recruitment**

The panel heard evidence that Individual C was employed outside of the normal process of recruitment. There was no advertisement of open job roles before Individual C was appointed. The explanation given by Mr Gaiderman was that he understood from his colleagues in his previous school that Individual C was planning on interviewing at another School and he didn’t want to miss the opportunity of hiring Individual C. Individual C therefore did not go through the usual process of interview, and was appointed into the role of [REDACTED] in August 2018.

Witness F stated that she has been part of the appointment panel for Individual O, which formed her own expectation of an advert, a letter of application, a lesson observation, etc. for this particular role. Witness F had not seen this visibly replicated ahead of Individual C joining the School in the same post at the start of the academic year 2018/19.

## Promotion

Witness D also provided evidence that she was asked by Mr Gaiderman to take the role of [REDACTED]. The current [REDACTED] was retiring. Witness D stated that she was flattered and but stated she believed that she was not experienced enough to do so, hence she did not feel confident to accept the role. The panel also heard that there were other more senior members of the [REDACTED] that were more experienced than her and one in particular may have wished to be considered for the role, however there was no open recruitment into the role. Witness D accepted the promotion into the role.

Mr Gaiderman also promoted Individual C outside of any regular promotion process. The panel heard that Mr Gaiderman appointed Individual C to the role of [REDACTED], without the regular recruitment or interview process. The panel had sight within the bundle of allegations that the job description for that role was changed to remove the National Professional Qualification in Headship (NPQH) qualification from essential to desirable. Individual C did not hold a NPQH.

## Demotion

The panel also saw evidence that Individual P was the [REDACTED] when Mr Gaiderman joined the School. During 2015/16 the [REDACTED] was going through a poor set of student results. Individual N, another [REDACTED] teacher, was considering a [REDACTED] at another school. When Mr Gaiderman found out about this, he offered Individual N the role of [REDACTED]. In his evidence with Individual M, Mr Gaiderman indicated his preference that Individual P Michwould become a [REDACTED] leader.

Mr Gaiderman further stated that he did this in the interests of the students, but made no reference to the School's own recruitment policy, dated February 2017:

*“All vacant posts will be advertised to ensure equality of opportunity and encourage as wide a field of candidates as possible. This will normally mean placing an advertisement externally. However, where there is a reasonable expectation that there are sufficient, suitably qualified internal candidates, or staff are at risk of redundancy, vacancies may be advertised internally before an external advertisement.”*

There was no evidence to indicate that Mr Gaiderman had made attempts to advertise for the latter three examples internally or externally.

Individual M's questioning indicated that this change of role was a step down and this was confirmed by a witness he interviewed.

Mr Gaiderman's actions were targeted and visibly inconsistent with School policy. This could arguably undermine the trust that staff members should have had in the fairness of process based on the consequences of Mr Gaiderman's own judgement. By compromising the psychological safety of staff members, Mr Gaiderman's actions contributed to and created a culture of fear.

The panel considers there to be sufficient evidence that the recruitment, promotions, and demotions were irregular and linked to the culture of fear experienced at the School and that allegation 5c is proven.

## **7. Your conduct as set out in on or more of the following allegations was dishonest;**

The panel had regard for the legal adviser's advice when considering an allegation of dishonesty. The panel needed first to ascertain subjectively the actual state of Mr Gaiderman's knowledge or belief as to the facts. Secondly, the panel needed to determine whether Mr Gaiderman's state of mind was honest or dishonest by the application of the objective standards of the ordinary honest person.

The panel considered this allegation in respect of the allegations it had found proven.

### **a) Allegation 3**

The panel found allegation 3 to be proven.

Mr Gaiderman admitted that his conduct in respect of allegation 3 was dishonest.

Mr Gaiderman stated that he would not write a preventative reference ever as a headteacher which was why he provided a false reference for Colleague A. The panel considered previously that the reasons for Mr Gaiderman providing a false reference was to assist Colleague A in obtaining a new role and for her to leave the School. The panel was of the view that Mr Gaiderman's decision to provide a false reference was deliberate and a conscious decision. Furthermore, the panel found that his actions would be regarded by the standards of ordinary, decent people to be dishonest.

Therefore, the panel has found allegation 7a proven.

### **b) Allegation 4a – 4e**

The panel has found allegation 4a and 4b proven. For the avoidance of doubt, the panel did not consider this allegation in respect of allegations 4c, 4d and 4e which were not found proven.

Mr Gaiderman admitted that his conduct in respect of allegations 4a and 4b was dishonest.

The panel concluded that as set out above, Mr Gaiderman deliberately failed to make a full disclosure knowing the need for that to be important, thereby intentionally concealing his existing relationship with Individual C. The panel was of the view that Mr Gaiderman's decision to appoint Individual C as [REDACTED], and the recommendation for Individual C to be temporary [REDACTED] were deliberate and conscious decisions. Furthermore, the panel found that his calculated omissions would be regarded by the standards of ordinary, decent people to be dishonest. Therefore, the panel has found allegation 7b proven.



**1. Between May 2018 and March 2019, you acted in an unprofessional and/or bullying manner towards Individual A, examples of which are set out in Schedule 1.**

**Schedule 1:**

- b) For the meeting on 11 May 2018, you only gave Individual A the opportunity to be accompanied by a companion to the meeting as she came into the meeting**

Mr Gaiderman admitted this allegation. The panel has been provided with oral evidence from Colleague A that she had the option of being accompanied to the 11 May 2018 meeting, shortly before it commenced. A colleague, Individual Q, was suggested to accompany Colleague A. The panel was made aware that Individual Q was told that there was a meeting with Colleague A prior to this offer being made to Colleague A. Whilst there is no dispute that Colleague A was given little notice of this option, there is no evidence to suggest that it was given at the time she entered the meeting.

Therefore, on the balance of probabilities the panel has found allegation 1, as set out in Schedule 1(b) not proven.

- d) You significantly increased Individual A's responsibilities for the academic year of 2018 / 2019 at a time when you knew or ought to have known that Individual A was unable to cope with her existing responsibilities**

Mr Gaiderman denied this allegation. The panel understood from the evidence that at the time of the PEAK MAT forming in May 2018 it required significant planning and Mr Gaiderman made it known to all staff that he would become the CEO of the organisation, hence another head of school would be required. His intention to appoint Colleague A into the [REDACTED] role was articulated at SLT meetings, to all school staff and also to prospective year 7 pupils and their parents. This intent was based on Colleague A's positive appraisal in October 2017. Mr Gaiderman noted a dip in Colleague A's performance and considered three different approaches to manage the situation, on the basis of HR advice. Of the three, he elected to appoint three [REDACTED] and divide responsibilities between them rather than risk Colleague A facing a challenge she was ill-equipped for. This would allow him to continue as MAT CEO and assume the role of executive headteacher of the School.

The three [REDACTED] appointed were Colleague A, Individual C and Individual O. The panel also heard evidence from Mr Gaiderman that during 2018/19, that Mr Gaiderman provided a more detailed job description to Colleague A which set out what her role entailed by including sub-paragraphs but did not lead to an increase in her responsibilities.

Therefore, on the balance of probabilities the panel has found allegation 1 as set out in Schedule 1(d) not proven.

**h) You deliberately did not line manage or give Individual A support in the academic year of 2018/2019**

Mr Gaiderman denied this allegation. The panel heard evidence that line management meetings between Colleague A and Mr Gaiderman were scheduled on a fortnightly basis. Colleague A stated that often meetings would be cancelled and either rescheduled or put off until the next meeting. Colleague A stated that meetings were cancelled due to Mr Gaiderman's schedule and availability.

During 2018/19, Mr Gaiderman's own workload also increased. The School became part of PEAK MAT in the previous academic year in May 2018, and Mr Gaiderman had taken on the role of CEO of PEAK MAT and executive headteacher/principal of the trust.

The panel considered based on the evidence there was no deliberate decision by Mr Gaiderman not to line manage Colleague A. Mr Gaiderman had taken on additional roles and also participated in conferences during this period, taking him away from the School. He also in his oral evidence said that he agreed that Colleague A could have had more support.

The panel has found allegation 1 as set out in Schedule 1(h) not proven.

**4. Between August 2018 and June 2019, you failed to disclose the nature of your relationship with Individual C when:**

**c) discussing extending Individual C's contract for a further academic year in May and June 2019 with members of the Governing Body;**

Mr Gaiderman admitted this allegation. The panel has considered the Governing Body meeting minutes of 20 May 2019, during which it is recorded that Mr Gaiderman informed the governors that a discussion would need to be had if Individual C is to remain in post. Again, during the PEAK MAT Education Performance and Standards Committee minutes of 24 June 2019, it states that "Individual C *will take on the [REDACTED] at the Academy for a year also, whilst we make a decision around long-term appointments.*" It is not clear whether this was discussed or presented as a *fait accompli*.

The panel noted that whilst the style of the notes is minimal in detail there is no record of Mr Gaiderman's personal relationship with Individual C nor any discussion with the MAT members of this committee. Nor was the panel provided with a record of the MAT board meeting at which such discussions would have been expected to have taken place.

On the basis that there is no record of discussion having taken place, the panel has found allegation 4c not proven.

**d) asked by Individual D in or around 2018 if you were having an affair with Individual C;**

Mr Gaiderman admitted this allegation. The panel deduced that Individual D to be Individual J as the panel has seen evidence in the bundle, in particular, Individual M

report that Individual J is the only person to Juhave asked Mr Gaiderman if he was having an affair with Individual C. In the absence of oral evidence from Individual D, the panel has placed considerable weight on the evidence within Individual M’s report. The panel has reviewed the interview with Mr Gaiderman. In that Mr Gaiderman states that rumours of the affair were *“raised to me initially by Individual J in 2018”*. Mr Gaiderman confirmed that he said he was not having an affair.

Although Individual M in his report references the year 2019, Mr Gaiderman in the interview notes states 2018. Considering that Mr Gaiderman has admitted this allegation, the panel considers Individual M’s reference to 2019 to be a typographical error.

Within Individual M’s report, he interviewed Individual J about what she said to Mr Gaiderman regarding his relationship with Individual C. When it was put to her that you *“asked him if he was having an affair with Individual C”*, Individual J instead asked him if there was anything they (meaning the governors) needed to be aware of.

Whilst Mr Gaiderman has admitted his failure to disclose this information his evidence corroborates Individual J’s that the question was not framed in such terms.

On the basis that the question was not asked by Individual J in the form set out in the allegation, therefore, the panel has found allegation 4d not proven.

**e) asked by Individual E in or around June 2020 if you were having an affair with Individual C.**

The panel heard evidence from Witness E (referred to as Individual E within this allegation). Witness E provided evidence that during lockdown in June 2020, she called Mr Gaiderman to *“ascertain whether Kevin Gaiderman’s relationship, personal or romantic, was potentially influencing his professional decisions, formally as headteacher and at that time as CEO of the Trust”* in reference to Individual C (referred to as Individual C within this allegation).

Witness E said that although she may have asked the question as if there was a current relationship, she would have expected Mr Gaiderman to say if there was a relationship in the past. Mr Gaiderman in his witness statement states that he was no longer in a relationship with Individual C during the time of the COVID-19 pandemic.

Mr Gaiderman had during oral evidence admitted that he had failed to disclose the nature of his relationship with Individual C when asked by Witness E.

The panel has considered the evidence and the wording of the allegation. This allegation is in relation to a conversation with Witness E in or around June 2020, however, the stem of allegation four references a time period between August 2018 and June 2019. Therefore, the panel has concluded that due to an error in the formation of the allegations that allegation 4e sits outside of the timeframe under the stem of allegation four and is not proven.

**5. Between 2015 and 2020, you created a culture of fear and/or a toxic environment at the school by:**

- d) On or around 9 March 2020, at a meeting following the sentencing of Individual G, implying to staff that they were wilfully blind and complicit in the commission of serious criminal offences by Individual G.**

Mr Gaiderman denied this allegation. The panel heard evidence that during the sentencing of Individual G, Mr Gaiderman attended with at least two staff members to support the victim and their family. Mr Gaiderman was spoken to by one of the family members about wilful blindness. On 9 March 2020, Mr Gaiderman during a SLT and later a staff meeting, made reference to wilful blindness. Mr Gaiderman presented PowerPoint slides which he had created over the weekend. The panel heard evidence from staff that they thought Mr Gaiderman was insinuating that they had some involvement with the crimes of Individual G by being wilfully blind. Other evidence was provided that this was not the intention, but Mr Gaiderman was seeking increased vigilance from staff to ensure this didn't happen again.

There is competing evidence that some people were offended by what Mr Gaiderman said and others who took it as advice going forward. The panel did not receive a recording or transcript of what exactly Mr Gaiderman said during this presentation, hence was unable to assess this directly. However, the panel appreciated that Mr Gaiderman acknowledged within the bundle that some of the staff considered his presentation as *"accusatory or blameful"*.

The panel heard evidence from Witness C that Mr Gaiderman was saying that staff were complicit in the commission of Individual G's offences.

Mr Gaiderman in evidence stated that the School has been accused of wilful blindness and that *"we needed to ensure it didn't happen again"*. Mr Gaiderman denies that he stated the School or staff had been complicit in the commission of the offences or that they were wilfully blind.

The panel considered all of the evidence provided orally from the TRA and Mr Gaiderman's witnesses. The panel believes that there is enough evidence that Mr Gaiderman implied that staff had been wilfully blind however there is insufficient evidence to determine if there was an implication of staff being complicit in the commission of serious criminal offences by Individual G. Therefore, on the balance of probabilities the panel has found allegation 5d not proven.

**6. On or around 10 July 2019, you instructed Individual H to lie to an Ofsted inspector.**

Mr Gaiderman denied this allegation. The panel was able to hear oral evidence from Witness F (Individual H for the purposes of this allegation). In response to the panel's questions as to whether Mr Gaiderman had instructed Witness F to lie to Ofsted, this was denied. Witness F also stated that she was not given a command. Rather she explained

that it was suggested by Mr Gaiderman that it would be favourable for Ofsted to know the impact of the events regarding Individual G had on staff, and she was not compelled to convey this message.

Therefore, on the balance of probabilities, the panel has found allegation 6 not proven.

## **7. Your conduct as set out in on or more of the following allegations was dishonest;**

### **c) Allegation 5b**

Mr Gaiderman denied that his conduct in respect of allegation 5b was dishonest.

The panel has found allegation 5b proven. The panel saw evidence in the bundle of the email sent to the staff about the survey which stated that “...*all responses are completely anonymous*”. The panel has seen an email from Individual R (the then [REDACTED]) stating that “*Unfortunately, a staff survey isn’t an option because – as Kevin announced in an emergency governors meeting – he breached the anonymity of the previous survey and took action against the person leaving the negative comment.*”. In evidence Mr Gaiderman stated that his conduct “*appears dishonest*” when referring to allegation 5b. The panel also considered that there was insufficient evidence concerning Mr Gaiderman’s state of mind being dishonest in his request for the IP addresses. The only evidence in relation to this was that he wanted to identify who had submitted any negative comments, which he freely admitted to a number of people at the time. Therefore, on the balance of probabilities the panel concludes that allegation 7c is not proven.

### **d) Allegation 6**

The panel did not find allegation 6 proved and therefore did not consider allegation 7 in respect of allegation 6.

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

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

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

### **Unacceptable Professional Conduct**

The panel was satisfied that the conduct of Mr Gaiderman, in relation to the facts found proved, involved breaches of the Teachers’ Standards. The panel considered that, by reference to Part 2, Mr Gaiderman 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

- 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.

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

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

The panel found that none of these offences were relevant.

The 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.

The panel took into account the written and oral character evidence submitted by Mr Gaiderman.

Accordingly, the panel was satisfied that Mr Gaiderman was guilty of unacceptable professional conduct for allegations 1, 2, 3, 4a, 4b, 5a, 5b, 5c, 7a and 7b.

### **Conduct That May Bring The Profession Into Disrepute**

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

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

The panel found that none of these offences were relevant.

The 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 conduct that may bring the profession into disrepute.

The panel noted that the advice is not intended to be exhaustive and there may be other behaviours that panels consider to be "conduct that may bring the profession into disrepute".

The public expects teachers to behave with honesty and integrity. In this case, Mr Gaiderman as well as being a teacher was a headteacher and CEO of the MAT. His

influence was wide reaching and would have indirectly impacted upon the whole MAT community, which went well beyond his direct line reports.

The panel took into account the written and oral character evidence submitted by Mr Gaiderman.

The panel considered that Mr Gaiderman's conduct could potentially damage the public's perception of a teacher.

The panel therefore found that Mr Gaiderman's actions constituted conduct that may bring the profession into disrepute for allegations 1, 2, 3, 4a, 4b, 5a, 5b, 7a and 7b.

Having found the facts of allegations 1, 2, 3, 4a, 4b, 5a, 5b, 7a and 7b proved, the panel further found that Mr Gaiderman's conduct amounted to both unacceptable professional conduct and conduct that may bring the profession into disrepute and allegation 5c amounted to unacceptable professional conduct.

## **Panel's recommendation to the Secretary of State**

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

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

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

In the light of the panel's findings against Mr Gaiderman, stated in full above, which involved:

acting in an unprofessional manner towards Individual A by:

- conducting a meeting in a formal and authoritarian manner;
- not following process of allowing Individual A to be accompanied or notice a meeting;
- belittled her in front of colleagues, shouted or raised his voice at Individual A,

acting in an unprofessional manner towards Individual B by:

- marginalising and giving him a much reduced role;
- undermining and belittling him in SLT meetings;
- threatening him that if he didn't take a demotion that his performance management would be failed and likely result in his demotion. The panel found this instance included bullying;
- deliberately failed his performance management;
- informed him of this failure whilst he was absent with ill-health.

Provided an inaccurate reference in relation to Individual A;

Failed to disclose the nature of Mr Gaiderman's relationship with Individual C when she was appointed as [REDACTED] and recommending her to become temporary [REDACTED];

Created a culture of fear and toxic environment at the school by:

- Mr Gaiderman's abrasive treatment of some members of staff leading them to feel upset and/or humiliated;
- procuring the IP address of negative responses from an anonymous staff survey;
- engaged in a pattern of irregular recruitment, promotion and demotion;

His conduct was dishonest in relation to:

- the provision of an inaccurate reference in relation to Individual A; and
- the failure to disclose the nature of Mr Gaiderman's relationship with Individual C when she was appointed as [REDACTED] and recommending her to become temporary [REDACTED].

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 Gaiderman 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.

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

The panel took further account of the Advice, which suggests that a panel will likely consider a teacher's behaviour to be incompatible with being a teacher if there is



evidence of one or more of the factors that begin on page 15. In the list of such factors, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;
- abuse of position or trust;
- deliberate behaviour that undermines colleagues;
- dishonesty or a lack of integrity.

The panel considered the above four factors to be highly relevant, and found that Mr Gaiderman's compound behaviour was serious. His behaviour was within the context of his actions with colleagues, and non-declaration and dishonesty over an affair.

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

In light of the panel's findings, Mr Gaiderman's actions were deliberate. There was no evidence to suggest that Mr Gaiderman was acting under extreme duress, for example from a physical threat or significant intimidation.

Mr Gaiderman did have a previously good history, having contributed significantly to the education sector. Mr Gaiderman had been teaching for a number of years, with the 16 years prior to 2020, in senior leadership positions within schools.

The panel considered the good character evidence provided within the bundle. The panel noted seven documents, six of which are labelled as character testimonials and one witness statement. Two of the individuals gave evidence at the hearing (Witnesses G and H). Of the seven documents, five individuals confirmed that they had sight of the allegations and full knowledge of the allegations. The panel noted the content of the documents and that these were from teachers who worked with Mr Gaiderman, other headteachers and professional colleagues. The documents reference that Mr Gaiderman was a good leader and had a good relationship with the pupils in his schools.

One reference stated *"Kevin was viewed by the DfE and the Opportunity Area Board of running a highly successful school... was passionate about the drive to improve the outcomes for all of Derby's children and not just those in Chellaston Academy."* This then led to Mr Gaiderman becoming *"Chair of the Derby city secondary school Headteacher group and to sit on the citywide Opportunity Area Board."*

Another reference stated that *"Kevin was supportive to me as a professional. He conveyed strategies, actions and experiences he had undertaken in his career when leading schools that had supported school improvement. He was unreserved in this*

*support and advice and in my time, I found this very supportive and transformational in my journey as a school leader.”*

*From a former colleague: “During my 37 year teaching career I have served under 8 Head Teachers, and I can say without a shadow of a doubt that Kevin Gaiderman was the most honest, loyal, professional, hardworking, supportive, empathetic, innovative and effective of them all. If Kevin was to be prohibited from teaching work he would be a massive loss to the teaching profession, and the education sector in general.”*

The panel took into account that the personal circumstances for Mr Gaiderman were significant and would have been for any individual. He was running a school in difficult circumstances and latterly PEAK MAT. The panel also found that Mr Gaiderman had taken on additional roles which likely led to his time being diverted. The panel understands that Mr Gaiderman attempted to reflect change on the School in a similar way he had done at the other school he worked at. However, due to a number of circumstances, including but not limited to those set out above, this was not possible.

The panel has seen from the documents and evidence that Mr Gaiderman supported other headteachers, other schools, and was a leader within the education sector.

Mr Gaiderman described himself as having been a passionate educationalist who didn't want to let children down. He also stated that he is now not the person that he was four years ago with respect to character and personality. He also commented that looking back, he would address things differently.

The panel heard and saw evidence of the remorse that Mr Gaiderman felt for the impact his actions had on his family.

The panel was not entirely convinced that Mr Gaiderman's insight fully extended to the colleagues affected and impacted by his actions and behaviour, as there was very limited remorse addressing this point.

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

The panel was of the view that, applying the standard of the ordinary intelligent citizen, the recommendation of no prohibition order would be both a proportionate and an appropriate response. The panel spent considerable time balancing the public interest and the mitigation that Mr Gaiderman has provided. Given that the nature and severity of the behaviour 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 and found that those proven facts amount to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

In this case, the panel has also 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 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 Kevin Gaiderman 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

- 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.

The panel finds that the conduct of Mr Gaiderman fell significantly short of the standards expected of the profession.

The findings of misconduct are serious as they include behaviour by a school leader that was dishonest.

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

whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Gaiderman, 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 not recorded any evidence that Mr Gaiderman's behaviour adversely impacted on the safety and wellbeing of pupils.

I have also taken into account the panel's comments on insight and remorse, which it sets out as follows,

"Mr Gaiderman described himself as having been a passionate educationalist who didn't want to let children down. He also stated that he is now not the person that he was four years ago with respect to character and personality. He also commented that looking back, he would address things differently.

The panel heard and saw evidence of the remorse that Mr Gaiderman felt for the impact his actions had on his family.

The panel was not entirely convinced that Mr Gaiderman's insight fully extended to the colleagues affected and impacted by his actions and behaviour, as there was very limited remorse addressing this point."

In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour, albeit that it would be unlikely to impact on the safety and wellbeing of pupils. I have therefore given this element some weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observes that: "The panel considered that Mr Gaiderman's conduct could potentially damage the public's perception of a teacher." I am particularly mindful of the finding of dishonesty in this case and the impact that such a finding could have on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an "ordinary intelligent and well-informed citizen."

I have considered whether the publication of a finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Gaiderman himself. The panel notes that:

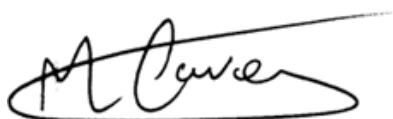
“Mr Gaiderman did have a previously good history, having contributed significantly to the education sector. Mr Gaiderman had been teaching for a number of years, with the 16 years prior to 2020, in senior leadership positions within schools.”

The panel also records having considered several pieces of character evidence from teachers who worked with Mr Gaiderman, other headteachers and professional colleagues attesting to his ability as a leader and the positive relationships he had developed with the pupils in his schools.

A prohibition order would prevent Mr Gaiderman 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 noted that Mr Gaiderman has not yet, in the judgment of the panel, attained full insight into the impact of his behaviour on others. Against this however, I have noted the panel’s comments regarding his remorse, the mitigating factors found by the panel, the nature and severity of the misconduct that was proven, and the contribution that Mr Gaiderman has made and could make in the future to the education sector. I have also noted that Mr Gaiderman’s behaviour does not appear to have created a risk to the safety and wellbeing of pupils.

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

A handwritten signature in black ink, appearing to read 'M. Cavey', enclosed within a hand-drawn oval border.

**Decision maker: Marc Cavey**

**Date: 7 November 2024**

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