



Teaching
Regulation
Agency

Mrs Nicola Brogan: Professional conduct panel outcome

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

December 2024

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

Teacher: Mrs Nicola Brogan
TRA case reference: 20225
Date of determination: 16 December 2024
Former employer: Woodland Community Primary School

Introduction

A professional conduct panel (“the panel”) of the Teaching Regulation Agency (“the TRA”) convened in person at Cheylesmore House, Coventry between 9 and 16 December 2024 to consider the case of Mrs Nicola Brogan.

The panel members were Mr John Martin (former teacher panellist – in the chair), Ms Olivia Kong (lay panellist) and Mrs Monique Clark (teacher panellist).

The legal adviser to the panel was Mr Tom Walker (counsel) of Blake Morgan LLP solicitors. The presenting officer for the TRA was Ms Louisa Atkin (counsel). The teacher was present and was represented by Mr Nicholas Kennan (counsel).

The hearing took place in public and was recorded.

Allegations

The panel considered the allegations as amended in a case management Hearing on 8 November 2024:

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, while employed as the Headteacher at Woodland Community Primary School (“the School”) between 1 September 2011 and 10 December 2019:

1. On one or more unknown dates you made inappropriate comments to the effect of those set out in Schedule 1.
2. On one occasion during a strategy meeting in relation to a pupil, you mimicked a Polish accent.

3. You created an uncomfortable and/or negative working environment for members of staff within the School, namely by:-
- a) way of your conduct as may be found proved at allegation 1 and/or 2 above;
 - b) treating members of staff inconsistently and/or unfavourably on one or more occasions;
 - c) shouting at members of staff on one or more occasions;
 - d) causing members of staff to cry on one or more occasions;
 - e) causing members of staff to be fearful of addressing issues/concerns with you, and/or about your behaviour.

Schedule 1 – Inappropriate comments

	Comment made / to the effect of:-	Person comment was made about and/or witnessed by:
<i>i.</i>	“Fat fuck who likes to finger herself”	About Person A
<i>ii.</i>	“French maid”	Witnessed by Person B
<i>iii.</i>	“Like a prostitute”	Witnessed by Person B
<i>iv.</i>	“Captain Camp”	About Person C
<i>v.</i>	“Would you shag her for an outstanding?” / “Would you sleep with the Ofsted inspector for an outstanding rating?”	Witnessed by Person D / Person L
<i>vi.</i>	“I tell everybody that he is gay”	About Person D
<i>vii.</i>	“Fuck off it is only a joke”	Witnessed by Person D
<i>viii.</i>	“Fat slug”	About Child A
<i>ix.</i>	“Not [Child B], fucking ugly [Child B]”	About Child B
<i>x.</i>	“Fucking jock”	Witnessed by Person D
<i>xi.</i>	“Zelda”	About Person E

xii.	“Condom on her finger”	Witnessed by Person D
xiii.	“Pathetic”	Witnessed by Person D
xiv.	“[Person J] fucking hates you, you can’t go”	Witnessed by Person D
xv.	“Wouldn’t need an inhaler if they weren’t so fat”	About Person F
xvi.	“Fat cow”	Witnessed by Person G
xvii.	Telling parents that Person D, a heterosexual male, was gay	About Person D
xviii.	Calling Person D, a heterosexual male, gay	About Person D
xix.	“Little Irish one” or “little leprechaun”	About Person H
xx.	“I will ruin his fucking career” and/or “end his fucking career”	About Person I
xxi.	That you would send Person K a picture of a [REDACTED] for his “wank bank”	Witnessed by Person D
xxii.	That a particular [REDACTED] had a “hairy face”	Witnessed by Person D
xxiii.	That a pupil was “a pain at lunch time, she fucks me right off”	About Pupil C
xxiv.	That a pupil was “a dick with a line” and/or referring to them as “stupid ugly”	About Pupil D
xxv.	That a pupil “annoys the fuck out of me, he has no personality”	About Pupil E
xxvi.	Calling a pupil a “wimp”	About Pupil F

Preliminary Applications

Privacy

Mrs Brogan’s representative made an application for parts of the hearing dealing with any personal or health issues to be dealt with in private. The panel took the view that it was in the interests of justice for such matters to be dealt with in private and thus directed that any evidence related to such matters should be dealt with in private session in accordance with Paragraphs 5.85 to 5.88 of the Disciplinary Procedures for the Teaching Profession (“the Rules”).

Special Measures

On the first day of the hearing, 9 December 2024, the panel received an application by the TRA for Witness B to have the benefit of an additional special measure in accordance with Paragraphs 5.102 to 5.103 of the Rules. Witness B had already been designated as a vulnerable witness, and the panel allowed the application for an additional measure, namely the attendance of a witness supporter.

On the second day of the hearing, 10 December 2024, the panel received an application by the TRA for Witness C to have the benefit of an additional special measure in accordance with Paragraphs 5.102 to 5.103 of the Rules. Witness C had already been designated as a vulnerable witness, and the panel allowed the application for an additional measure, namely the attendance of a witness supporter.

Admission of Additional Evidence

On the second day of the hearing, 10 December 2024, the panel received an application for the admission of some text messages between Witness C and Witness A, both of whom were witnesses in the case. The messages had been disclosed by Witness C to the TRA's presenting officer. The parties agreed to the admission of this material on the basis that it was relevant to the issues to be determined in the case and not unfair to admit it. This evidence indicated that Witness A contacted another witness who was yet to be called whilst he was under oath and still giving evidence. However, there was no indication that Witness C had engaged in any discussion about the evidence in the case such that her evidence was compromised.

On the third day of the hearing, 11 December 2024, the panel received an application for the admission of additional evidence in the form of screenshots of WhatsApp messages which were attached to a letter by Witness A sent to the TRA on 10 December 2024. The letter stated the reasons why Witness A was withdrawing from the hearing. Witness A withdrew from his evidence on 9 December 2024 during his cross-examination by Mrs Brogan's representative about WhatsApp message exchanges between him and Mrs Brogan. In the course of his cross-examination, Witness A accepted that he had used inappropriate language about a staff member in exchanges with Mrs Brogan.

The panel was informed that the WhatsApp messages, which the panel had not had sight of, were relevant to the allegations and the case generally. The panel also noted that the messages were a selection and in the absence of evidence from Witness A, it was not possible to determine whether he had provided the complete picture. Whilst the panel appreciated that Mrs Brogan was said to have been included in this group chat, the panel heard from Mrs Brogan's representative that she no longer had access to messages contained in the group chat.

The panel took the view that it seemed likely that Mrs Brogan had access to such messages at some point, but does note that she maintained that she has no recollection of the messages referred to by Witness A. The messages in question were exchanged some five years ago.

The panel was surprised that the TRA had not had sight of these messages previously. However, the current focus needed to be on relevance and fairness. The panel accepted that the additional evidence was relevant and moved to consider fairness. This was an unusual application as it was in effect an application to adduce hearsay evidence after all the TRA witnesses had given evidence and in circumstances where the witness who produced the documents had stated he would be unwilling to give further evidence. The panel could thus not be satisfied that any documents admitted represented a complete package of messages and were also troubled by the challenge of not having a witness available to answer questions about their provenance and production or their nature and context. Mrs Brogan would not be able to properly challenge the evidence directly in questions.

The panel took the view that it would be unfair in the circumstances to admit the additional messages into evidence. Doing so in the absence of a witness would be likely to cause prejudice to Mrs Brogan as she had not had the opportunity to prepare her case on the basis of their consideration and would not be able to challenge any witness on their contents. The ability to make submissions alone would not remedy the risk of unfairness.

Mrs Brogan did not accept the allegations and the allegations were taken as not admitted.

Summary of evidence

This case related to allegations of inappropriate behaviour by Mrs Brogan said to have resulted in the creation of an uncomfortable and negative working environment for members of staff. The inappropriate behaviour is alleged to have included inappropriate and/or abusive comments about staff members, pupils and a parent.

Mrs Brogan was employed at Woodland Community School from 1 September 2011. In November 2019, two anonymous complaints were made raising concerns about Mrs Brogan's behaviour. This resulted in a referral to the TRA.

Documents

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

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

Section 2: Notice of Proceedings and Response - pages 7 to 38

Section 3: Teaching Regulation Agency Witness Statements - pages 39 to 59

Section 4: Teaching Regulation Agency Documents – pages 60 to 755

Section 5: Teacher’s Documents – pages 756 to 805

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

The Bundle comprised a number of screenshots of messages between staff members including Mrs Brogan. The messages were taken from different platforms such as WhatsApp, Messenger and mobile telephone text messages. The panel took the view that the platform of the messages was not a matter in issue between the parties, and thus referred to all such messages using the generic term ‘text messages’ or ‘messages’.

Witnesses

The panel heard oral evidence from

- Witness A - ([REDACTED])
- Witness B - ([REDACTED])
- Witness C - ([REDACTED])
- Witness D - ([REDACTED])
- Witness E - ([REDACTED])

Mrs Brogan also gave oral evidence.

Witness A gave oral evidence. However, he withdrew from the case before he had been cross-examined by Mrs Brogan’s representative and prior to any questions being asked of him by the panel.

Decision and reasons

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

The panel announced its decision and reasons as follows.

This case has posed challenges in terms of the full consideration of all the evidence presented. A number of the witnesses when giving evidence stated that they could not recall the events in question clearly given the passage of time. Indeed some five years have passed since the alleged conduct. This passage of time has diminished the quality of some of the evidence in this case.

As noted above, Witness A withdrew from the hearing citing personal reasons during his cross-examination by Mrs Brogan’s representative. As a result of this, some of his evidence could not be tested in cross-examination, and none of his evidence was tested by questions from the panel.

The panel took the view that the withdrawal of Witness A from the hearing was unfortunate. The panel was very disappointed to learn that Witness A, whilst still under oath and giving evidence, had texted another witness who had yet to give evidence and according to his own letter he had read through the evidence in the Bundle.

Witness A then supplied additional evidence to the TRA which he had not previously disclosed. The TRA received this additional material and made an application for it to be admitted in evidence. This application was refused, save for his covering letter, which was admitted.

Given all the circumstances outlined above, the panel decided to proceed with extreme caution, particularly where Witness A’s evidence was the sole and decisive evidence and carefully considered the other evidence in the case including the admissions of Mrs Brogan.

Findings of fact

The findings of fact are as follows. The panel found the following particulars of the allegations against you proved/not proved, for these reasons:

You are guilty of unacceptable professional conduct and/or conduct that may bring the profession into disrepute in that, while employed as the Headteacher at Woodland Community Primary School (“the School”) between 1 September 2011 and 10 December 2019:

- 1. On one or more unknown dates you made inappropriate comments to the effect of those set out in Schedule 1.**

The panel has considered each of the comments listed in the Schedule with reference to the stem, namely whether the comments were inappropriate.

Schedule 1 - Inappropriate comments

- i. “Fat fuck who likes to finger herself” (about Person A)**

The panel has carefully considered the evidence in relation to this particular. The panel have had sight of a screenshot with this comment in a text message written by Mrs Brogan. Mrs Brogan admits this particular and has also given detailed evidence in

relation to the context in which this comment was written. The panel found this allegation proven.

ii. “French maid”

The panel heard differing accounts in oral evidence as to how this comment came to be made, and by whom. Witness B gave evidence in which she stated that the comment was made by Mrs Brogan in a meeting when referring to Person H ([REDACTED]) whom Mrs Brogan is said to have described as looking like a ‘French Maid’ and a ‘prostitute’. Witness B stated that this was said in an informal meeting but not in the presence of Person H and also added that this reflected the general nature of the comments and language used in such gatherings.

Mrs Brogan initially said she did not refer to the term “French Maid” but then accepted in questions that she was or at least could have been party to a conversation in which the term ‘French Maid’ was used, and that she herself may have used this term. Mrs Brogan gave her account of the context but states that she was referring to Witness B and clothes which she could wear as ‘fancy dress’ reflective of an old television programme known as ‘Upstairs Downstairs’. Mrs Brogan denied describing any staff member in such terms.

The panel was satisfied that Mrs Brogan used the term ‘French Maid’ in a conversation with staff and that its use was inappropriate even on her own account. The panel is not satisfied that this comment was used about Person H specifically. However, the panel found this allegation proved on the basis set out above.

iii. “Like a prostitute”

This particular is linked to Allegation 1 ii above. The panel has listened carefully to the evidence and is not satisfied that Mrs Brogan used this term at all or about any particular staff member and found this allegation not proved.

iv. “Captain Camp” (about Person C)

The panel heard evidence that Mrs Brogan used this term about a male member of staff, and the comment was made with reference to that staff member’s sexuality. This claim was made by Witness A in his written and oral evidence. For the reasons outlined above, Witness A’s evidence must be treated with caution. When questioned, Witness A was shown a text message which he had sent in a group chat to which both he and Mrs Brogan were party, which indicated that he had used this term. Witness A stated that he had not initiated the use of the term, but had adopted it because of the culture which he said Mrs Brogan had created.

The use of this term was denied by Mrs Brogan in written evidence, but when she gave oral evidence, she accepted that she had used the term and allowed the use of the term

by others. The panel is satisfied that this term was used by Mrs Brogan about a staff member referred to as Person C and found this allegation proved.

v. “Would you shag her for an outstanding?” / “Would you sleep with the Ofsted inspector for an outstanding rating?”

The panel heard a range of evidence relevant to this allegation. Witness D gave very clear written and oral evidence about this. She stated that she witnessed a conversation at the time of an Ofsted inspection when tensions were running high and the staff were, understandably, under a degree of pressure due to the inspection. Witness D describes staff discussing an Inspector in light-hearted terms and that Mrs Brogan had asked another member of staff in a flippant manner: “would you shag her [the Inspector] for an outstanding?”

Mrs Brogan admits making this comment and gave detailed evidence about the context, and that this was made flippantly to relieve the tension and stress that staff were experiencing. Despite the context described, the panel regards this comment as inappropriate. The panel found this allegation proved on the basis of the admission and the other evidence in the case.

vi. “I tell everybody that he is gay” (about Person D)

The panel heard evidence from Witness A, that Mrs Brogan had made this comment about him when they arrived late together at a meeting and comments were made by the other attendees suggesting that they were late due to some romantic connection between the two of them. For the reasons outlined above, Witness A’s evidence must be treated with caution. Witness A stated that he was heterosexual, that this was known by Mrs Brogan and he found this comment to be inappropriate.

Mrs Brogan denied this allegation. However, she did state that when Witness A joined the School, some parents were talking about him and making inappropriate comments about his attractiveness.

The panel is not satisfied with the quality of the evidence on this point, including the quality and clarity of the evidence given by Witness A, and found the allegation not proved.

vii. “Fuck off it is only a joke”

Witness A stated in his written evidence that when he challenged Mrs Brogan regarding the alleged comment made above at Allegation 1 vi, she said ‘fuck off it is only a joke’. In oral evidence, he stated that, due to the passage of time, he could not recall this comment being made. For the reasons outlined above, Witness A’s evidence must in any event be treated with caution.

Mrs Brogan denies this allegation. The panel is not satisfied with the quality of the evidence on this point and found the allegation not proved.

viii. “Fat slug” (about Child A)

Witness A gave written evidence about this allegation. Witness A’s evidence must be treated with caution for the reasons outlined above. However, his evidence is consistent with an admission made by Mrs Brogan.

Initially, Mrs Brogan stated that she would not make such comments about pupils. However, when questioned she accepted that she might have made such comments about pupils in a group chat with the senior leadership team including Witness A.

The panel is satisfied that Mrs Brogan made inappropriate comments to the effect of this term about Child A, and found this allegation proved.

ix. “Not [Child B], fucking ugly [Child B]” (about Child B)

The panel has considered this particular in line with the approach taken above. Witness A gave written evidence about this allegation, but his evidence must be treated with caution for the reasons outlined above. However, his evidence is consistent with an admission made by Mrs Brogan.

Initially, Mrs Brogan stated she that would not make such comments about pupils. However, when questioned she accepted that she might have made inappropriate comments about pupils in a group chat with the senior leadership team including Witness A.

The panel is satisfied that Mrs Brogan made inappropriate comments to the effect of this term about Child B, and found this allegation proved.

x. “Fucking jock” (witnessed by Person D)

Witness A gave evidence in relation to this particular. For the reasons outlined above, Witness A’s evidence must be treated with caution. He stated that one of the parents at the School was very vocal and of Scottish heritage, and that Mrs Brogan would refer to the parent using this term and that such use was, manifestly, derogatory.

Mrs Brogan initially denied using this term but in oral evidence she admitted that she used this term. This context was accepted by Mrs Brogan and the panel relies on her evidence. The panel found this allegation proved.

xi. “Zelda” (about Person E)

The panel heard evidence from a number of different witnesses that this term was used by Mrs Brogan as a nickname for Person E.

Witness C stated that ‘Zelda’ was a fictional witch character from a cartoon, and that her understanding was that this was a derogatory reference to Person E’s appearance. Witness C stated that this term was used by Mrs Brogan about Person E. Similarly, Witness E describes how Mrs Brogan would describe Person E as ‘Zelda’ in a derogatory manner.

Mrs Brogan admits making this comment. On the basis of all the evidence, the panel found this allegation proved.

xii. “Condom on her finger”

The panel heard evidence that a staff member had cut her finger and that she applied a plaster. The panel heard evidence that Mrs Brogan described the plaster as looking like a ‘condom’ and described the staff member as pathetic, thus showing a lack of empathy.

Mrs Brogan admits saying to the staff member in question that the plaster resembled a small condom. The panel accepts the context described by Mrs Brogan in broad terms and is not satisfied that this comment could be described as inappropriate given the overall quality of all the evidence in the case. The panel thus found this allegation not proved.

xiii. “Pathetic”

This particular is linked to allegation 1 xii above. Mrs Brogan denies making this comment about the staff member in question. The panel was not satisfied with the overall quality of the evidence in relation to this particular and found this allegation not proved.

xiv. “[Person J] fucking hates you, you can’t go”)

The panel heard evidence on this particular from Witness A who stated that Mrs Brogan had told him that another staff member ‘hated him’ and thus he should not interact with her. For the reasons outlined above, the evidence of Witness A must be treated with caution, not least because the panel has not had the chance to question Witness A in oral evidence.

Mrs Brogan denies this allegation. The panel was not satisfied with the quality of the evidence in this case and found this allegation not proved.

xv. “Wouldn’t need an inhaler if they weren’t so fat” (about Person F)

The panel heard oral evidence from Witness D on this matter. She described an incident in which Person F was late for a meeting, and someone, possibly Witness D, surmised that she may have been late in order to use her inhaler.

Witness D stated that Mrs Brogan then responded to the effect that person F “would not need an inhaler if they were not so fat”. Witness D stated that this comment was not made in the presence of Person F.

Mrs Brogan denies this comment and states that any such comment would have been inappropriate. The panel regards Witness D’s evidence as compelling and credible. Her account was detailed and specific. The panel found this allegation proved.

xvi. “Fat cow”

The panel heard clear and credible evidence from Witness C in relation to this particular. Witness C stated that Mrs Brogan would refer to a teaching assistant in this manner and she found this embarrassing. Witness C’s account was detailed and specific. Mrs Brogan denied this allegation, but on the balance of probabilities the panel were persuaded that Mrs Brogan did use this comment about another staff member. The panel found this allegation proved.

xvii. Telling parents that Person D, a heterosexual male, was gay (about Person D)

The panel heard evidence on this particular from Witness A who stated Mrs Brogan told parents that he was gay, and that this was done because parents had stated that he was attractive and this was done with a view to discouraging them from interacting with him. For the reasons outlined above, the evidence of Witness A must be treated with caution, not least because the panel has not had the chance to question Witness A in oral evidence. Mrs Brogan denied making this comment.

The panel was not satisfied with the quality of the evidence in this case and found this allegation not proved.

xviii. Calling Person D, a heterosexual male, gay (about Person D)

For the reasons outlined above under Allegation 1 xvii, the panel was not satisfied with the quality of the evidence in this case and found this allegation not proved.

xix. “Little Irish one” or “little leprechaun” (about Person H)

The panel heard oral evidence on this from Witness A to the effect that Mrs Brogan referred to a member of staff of Irish heritage (Person H) as the “little Irish one” or the

“little Leprechaun”. For the reasons outlined above, Witness A’s evidence must be treated with caution.

Mrs Brogan admits that she used the term “little Irish one” to refer to this member of staff but denies using the term “little leprechaun”. Mrs Brogan states that she used the term “little Irish one” in a descriptive manner and as a term of endearment. The panel accepts that she used the term “little Irish one” but there was insufficient evidence relating to the use of the term “little leprechaun”.

The panel is of the view that this comment was made on a number of occasions by Mrs Brogan with reference to Person H. The panel takes the view that it is not necessary to identify someone’s stature or ethnicity in a professional context when they can be identified by their name and the person is well known to other staff members. Mrs Brogan referred to parents using the term “little Irish one” to refer to person H and the panel accepts that this may have been done, but that context is different. To refer to someone by their ethnicity and stature to staff members who would know that person’s name is unnecessary and potentially belittling or degrading. The panel is satisfied on the basis outlined above that the comment “little Irish one” was made by Mrs Brogan and as such the comment was inappropriate. The panel found this allegation proved.

xx. “I will ruin his fucking career” and/or “end his fucking career” (about Person I)

The panel heard evidence on this particular from Witness A. Witness A stated that comment was made about Person I and arose following an argument over work done in which Mrs Brogan had felt unfairly criticised by this staff member. As a result of this, Witness A reported that Mrs Brogan expressed animosity towards this staff member and a desire to negatively impact his career. Witness A reported that Person I was then involved in a safeguarding issue in which there had, allegedly, been a delay in reporting an injury to a child. As a result of this, Mrs Brogan is said to have remarked that she would use this opportunity to “ruin his career”. For the reasons outlined above, the evidence of Witness A must be treated with caution, not least because the panel has not had the chance to question Witness A in oral evidence.

Mrs Brogan denied using these words in the manner described. Mrs Brogan does accept that there was a safeguarding issue involving this staff member, and maintains her position that this was a serious issue and warranted disciplinary action.

Having carefully considered the evidence, the panel was not satisfied with the overall quality of the evidence in this case and found this allegation not proved.

xxi. That you would send Person K a picture of a [REDACTED] for his “wank bank”

The panel heard evidence on this particular from Witness A who stated Mrs Brogan had told Person K in a group chat message that she would send them a picture of a [REDACTED] for sexual gratification.

This was denied by Mrs Brogan. For the reasons outlined above, the evidence of Witness A must be treated with caution, not least because the panel has not had the chance to question Witness A in oral evidence. There was no documentary evidence before the panel to support the allegation.

The panel was not satisfied with the quality of the evidence in this case and found this allegation not proved.

xxii. That a particular [REDACTED] had a “hairy face”

The panel heard evidence on this particular from Witness A who stated Mrs Brogan had referred to a [REDACTED] having a “hairy face”.

This was denied by Mrs Brogan. For the reasons outlined above, the evidence of Witness A must be treated with caution, not least because the panel has not had the chance to question Witness A in oral evidence. There was no documentary evidence before the panel to support the allegation.

The panel was not satisfied with the quality of the evidence in this case and found this allegation not proved.

xxiii. That a pupil was “a pain at lunch time, she fucks me right off” (about Pupil C)

Witness A gave evidence about this allegation, but his evidence must be treated with caution for the reasons outlined above. However, his evidence is consistent with an admission made by Mrs Brogan.

Initially, Mrs Brogan stated that she would not make such comments about pupils. However, when questioned she accepted that she might have made such comments about pupils in a group chat with the senior leadership team including Witness A.

The panel is satisfied that Mrs Brogan made inappropriate comments to the effect of this term about Pupil C, and found this allegation proved.

xxiv. That a pupil was “a dick with a line” and/or referring to them as “stupid ugly” (about Pupil D)

Witness A gave evidence about this allegation, but his evidence must be treated with caution for the reasons outlined above. However, his evidence is consistent with an admission made by Mrs Brogan.

Initially, Mrs Brogan stated that she would not make such comments about pupils. However, when questioned she accepted that she might have made such comments about pupils in a group chat with the senior leadership team including Witness A.

The panel is satisfied that Mrs Brogan made inappropriate comments to the effect of this term about Pupil D, and found this allegation proved.

xxv. That a pupil “annoys the fuck out of me, he has no personality” (about Pupil E)

Witness A gave evidence about this allegation, but his evidence must be treated with caution for the reasons outlined above. However, his evidence is consistent with an admission made by Mrs Brogan.

Initially, Mrs Brogan stated that she would not make such comments about pupils. However, when questioned she accepted that she might have made such comments about pupils in a group chat with the senior leadership team including Witness A.

The panel is satisfied that Mrs Brogan made inappropriate comments to the effect of this term about Pupil E, and found this allegation proved.

xxvi. Calling a pupil a “wimp” (about Pupil F)

Witness A gave evidence about this allegation, but his evidence must be treated with caution for the reasons outlined above. However, his evidence is consistent with an admission made by Mrs Brogan.

Initially, Mrs Brogan stated that she would not make such comments about pupils. However, when questioned she accepted that she might have made such comments about pupils in a group chat with the senior leadership team including Witness A.

The panel is satisfied that Mrs Brogan made inappropriate comments to the effect of this term about Pupil F, and found this allegation proved.

2. On one occasion during a strategy meeting in relation to a pupil, you mimicked a Polish accent.

Witness A gave evidence about this allegation, but his evidence was unconvincing and must in any event be treated with caution for the reasons outlined above.

There was other evidence in the case about the mimicking of accents by Mrs Brogan, but the allegation here specifically refers to the mimicking of a Polish accent. The quality of the evidence was limited. The witnesses were unable to draw a clear distinction between what they had been told and what they themselves witnessed. There was no clear or direct evidence of Mrs Brogan mimicking a Polish accent. The panel was not satisfied with the evidence in relation to this allegation and found it not proved.

3. You created an uncomfortable and/or negative working environment for members of staff within the School, namely by:-

a) way of your conduct as may be found proved at allegation 1 and/or 2 above;

Allegation 2 was not proved and so that does not fall to be considered at this point. The panel carefully considered the particulars found proved at Allegation 1.

In relation to the particulars found proved at Schedule 1 this clearly created an uncomfortable and negative working environment for members of staff within the school. The comments were of varying severity in terms of the level of their inappropriateness. Some of the comments were inappropriate but in isolation were not likely to have created an uncomfortable and negative working environment. For example, referring to dressing like a “French Maid” may have been inappropriate but is not likely to have created a negative or uncomfortable working environment.

However, the majority of the terms, particularly the abusive and derogatory references to staff members, pupils and a parent, were highly likely to create an uncomfortable and negative working environment. Indeed, a number of the witnesses gave oral evidence to the effect that the use of derogatory expressions directly created such an environment.

A number of witnesses expressed their worry about what they would be called by Mrs Brogan in their absence. There were numerous credible references to a feeling of tension due to the hostile environment created by the regular use of derogatory terms and nicknames.

Through the use of such terms and comments, Mrs Brogan was central to creating this environment. The panel found this allegation proved.

b) treating members of staff inconsistently and/or unfavourably on one or more occasions;

The panel heard a range of evidence relevant to this particular. There was evidence of some staff members being treated unfavourably and inconsistently in as far as some staff members were subjected to rude comments. However, this has been dealt with under Allegation 1.

The panel has considered this particular with reference to the evidence made about some staff members being afforded leave or training whilst others were refused the same opportunities. There was also evidence alleging differing treatment over staff dress codes.

For example, Witness C referred to a situation in which she believed that staff members wanting to attend a funeral of a partner's grandmother had been treated differently. Witness C stated that the staff member who was engaged to her partner was allowed to attend whereas the one who was not engaged had their request refused. Whilst Witness C was credible it was also clear that this evidence was based entirely on her perception and what she had been told. There was no detailed objective evidence about how the different staff requests had actually been considered.

The panel took the view that headteachers are required to apply a school's absence policy and make decisions which are in the best interest of the School at any given time. Inevitably, on occasions, staff members may not be content with such decisions. However, the fact that staff members may not be content, or that they may be able to draw an anecdotal comparison between the situations of different staff members does not necessarily mean that there is inconsistent or unfavourable treatment.

The evidence in relation to this allegation lacked any objective core, and there was no detailed comparative analysis of staff treatment. The witness evidence, whilst credible, was extremely limited in as far as it was based upon perception and, in some cases, what that witness had been told.

The panel heard evidence from Mrs Brogan, who was able to demonstrate a command of the detail of some of the examples given and an objective justification for differential treatment. The panel was not satisfied with the quality of the evidence regarding comparative treatment.

However, the panel carefully considered the other evidence relevant to this allegation. Witness E gave clear and credible evidence that Mrs Brogan was unpredictable and inconsistent in as far as staff were worried about her differing moods and that this created an atmosphere of fear. This evidence was repeated by a number of other witnesses who described inconsistency and unpredictability which created a negative working environment for members of staff within the School.

The panel is satisfied that Mrs Brogan treated staff members inconsistently in as far as her temperament was very unpredictable. As a result, this created an uncomfortable and negative working environment for staff members. The panel found this allegation proved on this basis.

c) shouting at members of staff on one or more occasions;

The panel heard evidence in relation to this particular from Witness C and Witness E. Witness D described an incident involving a dispute with Mrs Brogan about the availability of resources. Witness D stated that Mrs Brogan held a Post-It note close to her face and shouted at her. Witness D regarded her treatment as unfair and she described being very upset by the incident.

Witness E also described hearing screaming and shouting emanating from Mrs Brogan's office and could see Mrs Brogan shouting at a staff member, namely Individual B whom she described as emerging from the office upset. However, Witness E was unable to give evidence as to the context on other occasions when she heard loud voices or shouting.

Witness C was able to give specific and clear evidence of Mrs Brogan shouting directly at her. Mrs Brogan denied this altercation took place as described by Witness C, but on balance the panel preferred the account of Witness C. Witness E also gave a clear and credible account of Mrs Brogan shouting at Individual B. Mrs Brogan denied this but the panel on balance preferred the evidence of Witness E.

The panel was satisfied that Mrs Brogan shouted at staff members, namely Witness C and Individual B, and that this created an uncomfortable and negative working environment for them and thus for members of staff. The panel found this allegation proved.

d) causing members of staff to cry on one or more occasions;

The panel noted a large number of references in the evidence to staff crying and that, as a matter of generality, this was attributed to Mrs Brogan.

The specific evidence relevant to this allegation was limited. For example, Witness C did not witness staff crying in the presence of Mrs Brogan. Witness C stated that Mrs Brogan had made her feel like crying. Witness C stated that she did witness staff members crying but was unable to give specific or detailed evidence beyond logical inferences about what had led to this or whether such crying was caused by an uncomfortable and negative working environment caused by Ms Brogan.

Overall the panel took the view that whilst there was evidence of staff crying in the workplace, which might be indicative of a negative working environment, there was insufficient evidence that any crying was caused by Mrs Brogan specifically. The panel found this allegation not proved.

e) causing members of staff to be fearful of addressing issues/concerns with you, and/or about your behaviour.

The panel heard a wide range of evidence relevant to this allegation. The evidence was varied and mixed. On the one hand there was a great weight of written evidence from staff members, Governors and character referees that Mrs Brogan was supportive of staff and performed effectively as a headteacher.

In oral evidence, not all witnesses described an entirely negative working environment. For example, Witness D stated that she never witnessed Mrs Brogan shouting at staff or causing staff to cry, or referring to staff by any nicknames. However, she did state that when she arrived at the school Mrs Brogan was framed adversely by other staff members and referred to the school environment negatively due to the behaviour of Mrs Brogan. Witness D stated that she wanted to form her own judgement. She stated that she was not scared of Mrs Brogan and nor scared to approach her. However, she did confirm that some members of staff were fearful to approach Mrs Brogan.

In oral evidence, other witnesses also confirmed a mixed picture. For example, both Witness C and Witness E gave clear evidence that they regarded the working environment as negative and that they and other staff members were afraid to approach her to address issues. However, they both also confirmed that Mrs Brogan could be very supportive and helpful at times with both professional and pastoral support.

Witness E described being very unhappy as a result of the atmosphere at the School and attributes this to the behaviour of Mrs Brogan. Witness E was taken to an exchange of messages with Mrs Brogan regarding transport difficulties attending work during extreme weather. Witness E stated that as a result of personal reasons she would struggle using public transport to attend School but stated that she was too fearful to raise this concern with Mrs Brogan because of the negative working environment she had created.

Witness E also states that the common view amongst staff was that Mrs Brogan was well-connected with the Governors, the local authority, and a local Union representative, and as a result, staff were afraid to raise any concerns.

Witness E was taken to a range of messages which demonstrated support from Mrs Brogan and comments Mrs Brogan made about her performance at School. Witness E agreed that she had been supported but still maintained that the overall atmosphere created by Mrs Brogan was hostile.

Witness C was taken to text messages she had exchanged with Mrs Brogan in which Mrs Brogan had been positive about her performance and arranged support staff to enable her to attend to an interview for another position. Witness C accepted that Mrs Brogan had been supportive and confirmed that she had been given a mentor as part of her early

career development. However, she maintained that the overall atmosphere at the school was negative as a result of Mrs Brogan's behaviour.

The panel also heard evidence from Witness B to the effect that Mrs Brogan would berate staff in meetings and implied that she had friends in the local authority or could influence the Governors which made people feel that they could not raise any concerns or issues. However, the panel also noted that Witness B felt able to text message Mrs Brogan in informal terms about a range of matters, which is not indicative of her feeling inhibited from raising concerns or issues with Mrs Brogan.

The panel was mindful that it is possible that staff themselves contributed to the negative working environment through discussing Mrs Brogan in negative terms and causing fear and suspicion amongst each other.

However, the panel was satisfied that, overall, the conduct of Mrs Brogan created an uncomfortable and negative working environment such that staff members, as a matter of generality, were fearful of addressing issues and concerns with her, including such concerns or issues about her behaviour. The panel found the allegation proved on this basis.

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

The panel found the following allegations not proved:

Allegation 1 Schedule 1: iii; vi; vii; xii; xiii; xiv; xvii; xviii; xx; xxi; and xxii; Allegation 2 and Allegation 3 d.

Having found a number of the allegations proven (Allegations 1: i; ii; iv; v; viii; ix; x; xi; xv; xvi; xix; xxiii; xxiv; xxv; xxvi, 3 a; b; c; and e the panel went on to consider whether the facts of those proved allegations amounted to unacceptable professional conduct and/or conduct that may bring the profession into disrepute.

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

The panel found Allegation 1 Schedule 1 ii "French Maid" proved and regarded this as an inappropriate comment. However, the panel did not regard this comment as so serious as to amount to misconduct which could be categorised as Unacceptable Professional Conduct or Conduct which may bring the profession into disrepute.

The panel carefully considered the other comments made under Allegation 1 Schedule 1 and took the view that they each, individually, amounted to serious transgression of acceptable standards of behaviour.

The panel also regarded each of the particulars found proved at Allegation 3 to amount misconduct of a serious nature. The panel was satisfied that the conduct of Mrs Brogan, in relation to the facts found proved, involved breaches of the Teachers' Standards. The panel considered that, by reference to Part 2, Mrs Brogan 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

The panel was satisfied that the conduct of Mrs Brogan, which concerned abusive and inappropriate comments about staff, pupils and a parent, was very serious. There was a significant weight of evidence from staff which confirmed that this behaviour had a seriously negative impact upon the working environment of the school and adversely affected how staff felt and behaved.

The working culture at the School at the material time was at times negative and hostile. Some pupils and some staff members were clearly not always treated with respect by Mrs Brogan. Whilst it is clear that Mrs Brogan was not alone in participating in this culture, as the headteacher she had overall responsibility for the working culture of the School. Mrs Brogan was, in significant part, responsible for the creation and continuation of this negative working culture. This conduct in turn inevitably adversely affected the quality of the services provided to pupils.

The panel was satisfied that this amounted to misconduct of a serious nature which fell significantly short of the standards expected of the profession, and thus amounted to 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 panel took the view that the actions of Mrs Brogan, for the reasons set out above, would negatively affect the public perception of teachers. The panel therefore found that Mrs Brogan's actions constituted conduct that may bring the profession into disrepute.

Panel's recommendation to the Secretary of State

Given the panel's findings, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so. Prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

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

In the light of the panel's findings against Mrs Brogan, namely unacceptable professional conduct and conduct which may bring the profession into disrepute by virtue of inappropriate comments and creating an uncomfortable and negative working environment there was a strong public interest consideration in respect of the protection of members of the public.

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

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

The panel also considered whether there was a public interest in retaining Mrs Brogan in the profession and it concluded that there was.

No doubt had been cast upon Mrs Brogan's core abilities as a teacher and there was positive evidence available as to her previous practice. She was clearly a well-regarded teacher and had successfully reached the role of headteacher. Indeed, she had taught at the School since 2011, and the panel was led to believe that she had worked for many years without complaints prior to the current allegations. Mrs Brogan also deserved considerable credit from leading the School out of special measures. The panel takes the view that Mrs Brogan has made a significant contribution to the teaching profession.

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 Mrs Brogan.

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 Mrs Brogan.

The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

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

Whilst the above feature was relevant in this case, the panel makes a number of observations. The serious departure from the personal and professional conduct elements by virtue of Mrs Brogan's failures did not result in any appreciable harm to pupils. The panel notes and accepts that some staff members experienced distress as a result of Mrs Brogan's conduct but also notes there were a number of positive character references from those who worked at the School who testified to her positive qualities.

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

The panel considered there were a number of mitigating factors present in this case, including:

- Mrs Brogan had an otherwise unblemished record. She had not been subject to any previous regulatory proceedings and had worked in education since 1997;
- Mrs Brogan worked in a challenging School and her overall commitment to the School was not called into question;
- The panel were presented with evidence that Mrs Brogan was experiencing challenging personal circumstances in the latter years of her headship at the School that was likely to have an effect on her failure to recognise her behaviour at that time;
- Mrs Brogan has recognised that a number of the comments she made were inappropriate and has expressed regret;

- Mrs Brogan has shown insight into her conduct overall and the risk of any repetition of this conduct is limited.

Weighed against this, there were some aggravating features, including:

- Mrs Brogan was an experienced teacher. She ought to have known what was required of her and conducted herself accordingly;
- Given her experience and seniority at the time, Mrs Brogan should have set the highest standards and been an exemplary role model;
- Mrs Brogan's conduct caused distress to other staff members and she encouraged a negative working culture at the School;
- Mrs Brogan's actions amounted to a breach of the Teachers' Standards.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, recommending no prohibition order was a proportionate and appropriate response.

In all the circumstances, the panel concluded that whilst Mrs Brogan's conduct was a serious matter, it was not at the most serious end of the scale. The conduct complained of dated back to 2019. The impact of these proceedings and the passage of time since the allegations has also had an adverse impact on Mrs Brogan. Given all the circumstances, and the evidence of Mrs Brogan, the panel was satisfied that the risk of repetition is remote.

The panel also considered that, given her experience and prior good service, there was every prospect that Mrs Brogan would be able to make a contribution to the education profession in the future. Given all the circumstances, the published finding of unacceptable professional conduct and conduct which may bring the profession into disrepute in this case amounts to a form of sanction in itself which fulfils the public interest considerations.

In light of these matters and the other mitigating factors present, the panel determined that a recommendation for a prohibition order would not be appropriate in this case.

Having very carefully taken account of the public interest considerations present, the panel considered that the publication of the adverse findings it made would be sufficient to send an appropriate message to the teacher as to the standards of behaviour that were not acceptable.

The panel considered this to be a proportionate outcome which struck a fair balance between the public interest and Mrs Brogan's interests. It did not consider that Mrs Brogan presents an ongoing risk to the public. The panel was satisfied that its decision maintains public confidence and upholds professional standards.

Decision and reasons on behalf of the Secretary of State

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

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

In this case, the panel has found some of the allegations proven 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, and/or found that some allegations do not amount to unacceptable professional conduct or conduct likely to bring the profession into disrepute. I have therefore put those matters entirely from my mind.

The panel has made a recommendation to the Secretary of State that Mrs Brogan 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, or a relevant conviction should be published and that such an action is proportionate and in the public interest.

In particular, the panel has found that Mrs Brogan is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by
 - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position

The panel finds that the conduct of Mrs Brogan fell significantly short of the standards expected of the profession.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct 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 Mrs Brogan, 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 members of the public. The panel has observed, “In the light of the panel’s findings against Mrs Brogan, namely unacceptable professional conduct and conduct which may bring the profession into disrepute by virtue of inappropriate comments and creating an uncomfortable and negative working environment there was a strong public interest consideration in respect of the protection of members of the public.”

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:

- Mrs Brogan has recognised that a number of the comments she made were inappropriate and has expressed regret;
- Mrs Brogan has shown insight into her conduct overall and the risk of any repetition of this conduct is limited.

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

I have also considered the impact of a prohibition order on Mrs Brogan herself and the panel comment “No doubt had been cast upon Mrs Brogan’s core abilities as a teacher and there was positive evidence available as to her previous practice. She was clearly a well-regarded teacher and had successfully reached the role of headteacher. Indeed, she had taught at the School since 2011, and the panel was led to believe that she had worked for many years without complaints prior to the current allegations. Mrs Brogan also deserved considerable credit from leading the School out of special measures. The

panel takes the view that Mrs Brogan has made a significant contribution to the teaching profession.”

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

In this case, I have placed considerable weight on the panel’s comments “In all the circumstances, the panel concluded that whilst Mrs Brogan’s conduct was a serious matter, it was not at the most serious end of the scale. The conduct complained of dated back to 2019. The impact of these proceedings and the passage of time since the allegations has also had an adverse impact on Mrs Brogan. Given all the circumstances, and the evidence of Mrs Brogan, the panel was satisfied that the risk of repetition is remote.”

I have also placed considerable weight on the finding of the panel that “The panel also considered that, given her experience and prior good service, there was every prospect that Mrs Brogan would be able to make a contribution to the education profession in the future.”

I have given weight in my consideration of sanction therefore, to the contribution that Mrs Brogan has made to the profession.

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 flourish at the end.

Decision maker: Sarah Buxcey

Date: 19 December 2024

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